AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

1–7–04 Wednesday
Vol. 69 No. 4 Jan. 7, 2004

Pages 849–1268

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Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 780, 816, and 817

Surface Coal Mining and Reclamation Operations; Excess Spoil; Stream Buffer Zones; Diversions; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 780, 816, and 817

RIN 1029–AC04

Surface Coal Mining and Reclamation Operations; Excess Spoil; Stream Buffer Zones; Diversions

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are proposing to amend our regulations to accomplish two basic goals: Minimizing the adverse environmental effects stemming from the construction of excess spoil fills; and clarifying the circumstances in which mining activities, such as the construction of excess spoil fills, may be allowed within the stream buffer zone (SBZ), *i.e.*, within 100 feet of a perennial or intermittent stream. By these changes, we intend to clarify our program requirements and reduce the regulatory uncertainty concerning these matters. These changes will also reduce conflicts and improve consistency between regulation under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and regulation under the Clean Water Act (CWA).

More specifically, we intend to minimize the environmental effects from excess spoil fill construction by requiring that the coal operator demonstrate to the satisfaction of the regulatory authority that, to the extent possible, the volume of excess spoil is minimized; excess spoil fills associated with a mine are designed to be no larger than needed to accommodate the anticipated volume of excess spoil from that mine; alternative configurations for excess spoil disposal, including alternative sizes, numbers and locations of fill are considered; and the proposed excess spoil disposal plan minimizes, to the extent possible, adverse impacts to the prevailing hydrologic balance, fish, wildlife, and related environmental values.

We also propose to amend the regulation commonly referred to as the SBZ rule to more closely align with its basis in SMCRA and our experience in implementing the rule. These changes will require the applicant to demonstrate, to the satisfaction of the regulatory authority, that the mining operation has been designed, to the extent possible, to minimize impacts on hydrology, fish and wildlife, and related environmental values and to prevent additional contributions of sediment to streams prior to allowing mining within 100 feet of a perennial or intermittent stream. We intend to revise rule language that is evidently confusing, has given rise to divergent, conflicting interpretations, has led to litigation, and has raised concern over restrictions that are not required by SMCRA and that might conflict with regulations under the CWA.

Finally, we propose to amend our stream diversion regulation to comport with the proposed changes to the SBZ rule.

DATES: *Electronic or written comments:* We will accept written comments on the proposed rule until 5 p.m., Eastern Time, on March 8, 2004.

Public hearings: Anyone wishing to testify at a public hearing must submit a request on or before 5 p.m., Eastern Time, on January 28, 2004. Because we will hold a public hearing at a particular location only if there is sufficient interest, hearing arrangements, dates and times, if any, will be announced in a subsequent **Federal Register** notice. Any disabled individual who needs special accommodation to attend a public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: If you wish to comment, you may submit your comments on this proposed rule by one of three methods. You may mail or hand carry comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW., Washington, DC 20240, or you may send comments via electronic mail to *osmrules@osmre.gov*.

If you wish to comment on the information collection aspects of this proposed rule, you may submit your comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Interior Desk Officer, via e-mail to *oira_docket@omb.eop.gov,* or via facsimile to 202–365–6566.

You may submit a request for a public hearing orally or in writing to the person and address specified under **FOR FURTHER INFORMATION CONTACT.** The address, date and time for any public hearing held will be announced before the hearing. Any disabled individual who requires special accommodation to attend a public hearing should also contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: David G. Hartos, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 3 Parkway Center, Pittsburgh, PA 15220; Telephone: 412–937–2909. E-mail address: *dhartos@osmre.gov*. Additional information concerning this rule and related documents may be found on our home page on the internet at *http://www.osmre.gov*.

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I. Introduction

When coal is mined by surface mining methods, rock and soil that overlie the coal must be removed and stored temporarily outside of the immediate mining area. The rock is broken as it is removed, and the broken rock is referred to as ''spoil.'' Because the broken rock incorporates voids and air, spoil is less dense than undisturbed rock; so the volume of spoil removed during mining becomes greater than the volume of rock that was in place prior to mining. After coal removal, the mine operator returns the spoil to the mined-out area for reclamation.

The operator grades the spoil so that it closely resembles the pre-mining topography. We refer to this as returning

the reclaimed mine to the approximate original contour, or simply AOC. Under certain circumstances, by obtaining the necessary approvals, the mine operator may get a waiver from the AOC requirement that allows the operator to grade the backfilled spoil to a shape capable of supporting an alternative postmining land use.

Regardless of whether an operator reclaims the mine to AOC or shapes it to support an alternative postmining land use, there are situations, particularly in steep terrain, where the volume of spoil is more than sufficient and more than is technically feasible to return to the mined-out area when reclaiming the site. Surplus spoil material disposed of in locations other than the mined-out area, except for material used to blend spoil with surrounding terrain in achieving AOC in non-steep slope areas, is referred to as ''excess spoil''.

In Appalachia, on steep terrain, the mine operator may place the excess spoil either in adjacent valleys or on previously mined sites. Our rules at 30 CFR 816.71–74 provide flexibility in design and construction of several types of steep-slope fills: ''valley'', ''head-of-hollow'', and ''durable rock''. Valley and head-of-hollow fills are limited by definition in 30 CFR 701.5 to steep slope areas (valley side slopes of greater than 20 degrees or valley profile [stream] gradient of greater than 10 degrees). Durable rock fills are not limited to steep slopes, but in practice have been the most common fill construction technique in steep slope areas.

Surface coal mining activities other than excess spoil fills may also involve disturbance of stream channels. Coal deposits underlie many streams at shallow depths, and mining activities routinely divert and relocate a watercourse to remove the coal.

Underground mining development involves excavating rock and soil on the surface to expose the coal seam and to provide access for people, equipment, and ventilation for the underground mining operation. This process is referred to as ''facing up.'' In steep terrain, excavated material from these ''face-up'' areas may result in small fills if the excavation is limited to providing coal seam access, or larger fills if facilities such as miners' bathhouses, office buildings, coal storage or coal preparation areas are needed. Some face-up fills are constructed on valley hillsides, and other face-up fills must be placed in adjacent valleys. Underground mining may also involve excavating non-coal waste rock underground. Because underground mining typically brings this waste rock material to the surface, the mine operator typically constructs fills to accommodate the material.

The mine operator may have to place fill in small streams adjacent to the preparation facility or within embankments or impoundments, in order to dispose of coal waste from the cleaning and preparation of coal. Similarly, the operator of a preparation facility may need an impoundment in an adjacent stream valley for withdrawal of cleaning process water. In order to minimize sedimentation and comply with CWA or State effluent standards, an operator of a surface or underground coal mine may need to place sediment control structures or ponds in streams below the mine.

Because of such mining necessities, SMCRA and the implementing regulations on protecting the hydrologic balance and on other subjects, recognize that certain stream impacts may be necessary during coal mining. However, such impacts must be carefully and thoughtfully evaluated, planned for, and minimized to assure the environment is protected during and after mining. *See* SMCRA sections 102(d) and 507(b). The rule proposal described below is consistent with this approach. It would clarify and supplement existing requirements and require a permit applicant to provide relevant information and analysis concerning mine planning and design to minimize environmental impacts.

A. Why Is OSM Initiating Rulemaking To Minimize the Adverse Environmental Effects Stemming From the Construction of Excess Spoil Fills?

Section 201(c)(2) of SMCRA, 30 U.S.C. 1211(c)(2), directs the Secretary of the Interior (the Secretary), acting through OSM, to publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of SMCRA. Section 501(b) of SMCRA, 30 U.S.C. 1251(b), directs the Secretary to ''promulgate and publish in the **Federal Register** regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations performance standards.'' The implementing OSM regulations are codified at 30 CFR Chapter VII.

Since the early 1970's, large-scale surface mining has become a more prevalent means of coal extraction in the central Appalachian coalfields. Most surface coal mining in the mountainous terrain of central Appalachian coalfields unavoidably generates excess spoil. This excess spoil is often placed in the upper reaches of valleys adjacent to the mine. In the Appalachian coalfields, even the upper reaches of valleys may contain stream channels or watercourses with continual (perennial) or intermittent flow. For example, the United States Geologic Survey studied a sample of streams in West Virginia and found that, on average, perennial streams may begin in watersheds of 40.8 acres and intermittent streams in watersheds of 14.5 acres. [Paybins, 2003, p.1 (citations in this preamble to the reference materials listed at I.C. of the preamble, are set out in brackets)].

An OSM inventory of fills in the central Appalachian coalfields (eastern Kentucky, Tennessee, southwestern Virginia and southern West Virginia) identified about 5700 excess spoil fills constructed between 1985 and 2001. [U.S. Environmental Protection Agency (USEPA), 2003, p. III. K–15] Spoil from these fills covered approximately 1.2 percent of the small streams (724 of the estimated 59,000 miles of streams) in the inventory region. [*Ibid,* p. III. K–47] OSM has estimated that, without changes in production or mining technology, excess spoil fills may potentially impact an additional 724 stream miles in the next seventeen years. [*Ibid*, p. IV. B–2].

As the population and the cumulative surface extent of surface mines and excess spoil fills have increased, so have the concerns regarding the adverse environmental effects from the construction of excess spoil fills. In the summer of 1998, the West Virginia Highlands Conservancy—an environmental organization—and several citizens filed suit in Federal court against the West Virginia Division of Environmental Protection (WVDEP) alleging that the State was not administering its SMCRA-based coal regulatory program in compliance with State requirements. *Bragg* v. *Robertson* (Bragg), Civ. No. 2:98–0636 (S.D.W. Va.).

In addition to suing the WVDEP, the plaintiffs in *Bragg* sued the U.S. Army Corps of Engineers (USCOE) concerning its implementation of CWA Section 404 in the permitting of excess spoil fills. Among other issues, plaintiffs argued that the USCOE should have been individually permitting excess spoil fills rather than issuing authorizations under its nationwide permits (NWP) process. Coal mining activities affecting ''waters of the United States'' are subject to applicable requirements of CWA Section 404. The USCOE is the primary Federal authority responsible for issuing Section 404 permits, which may be either NWP or individual permits (IP). The USCOE uses the NWP process for coal mining activities that have less than a minimal impact on aquatic

resources—both individually and cumulatively.

In December 1998, the parties reached an agreement, which addressed all outstanding counts directed at the USCOE in *Bragg*. Pursuant to the settlement agreement, in February 1999 OSM, the U.S. Fish and Wildlife Service (USFWS), USEPA, USCOE, and WVDEP initiated preparation of a draft programmatic environmental impact statement (EIS) under the National Environmental Policy Act (NEPA).

The agencies designed the EIS to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize the adverse effects stemming from mountaintop mining/valley fills in the Appalachian coalfields. The agencies released the draft EIS for public comment on May 29, 2003.

While work towards finalizing that EIS continues, we recognized the need to revise and clarify our national rules to address environmental effects from the construction of excess spoil fills.[1] We are moving forward with this rule to expeditiously address concerns regarding the construction of excess spoil fills and regulatory uncertainty regarding our stream buffer zone regulations.

As part of our oversight activities and separate from the EIS, we conducted studies in Kentucky, Virginia and West Virginia to determine how the regulatory authorities were administering SMCRA programs regarding AOC and postmining land use requirements. [USDOI–OSM, May 1999; USDOI–OSM, September 1999; USDOI–OSM, May 2000] When we examined permit files and reclaimed mines, we found it difficult to distinguish between the reclamation configuration of mines that were not to be reclaimed to AOC and the reclamation configuration of mines that were to be reclaimed to AOC. There were no clear differences in the number and size of the excess spoil fills, although we anticipated that non-AOC mines would typically have larger or more numerous fills. We determined that typically, coal mine operators could have retained more spoil on mined-out areas under applicable AOC requirements than they were actually retaining.

We also found that, in many instances, coal mine operators were overestimating the anticipated volume of excess spoil. As a result, we concluded that coal companies were designing fills larger than necessary to accommodate the anticipated excess spoil. Where fills are larger than needed, more land outside the coal extraction area is disturbed than is necessary. We attributed these problems, in part, to inadequate regulatory guidance. Therefore, we recommended that each regulatory authority work with us to develop enhanced guidance on material balance determinations, spoil management, and AOC. Kentucky, Virginia and West Virginia have developed such guidance; we also developed such guidance for the Tennessee Federal program. We continue to review the implementation and effectiveness of this guidance.

Most excess spoil is attributed to surface mining in the steep terrain of the central Appalachian coalfields, and we commend Kentucky, Virginia and West Virginia for their improvements in addressing AOC and the volume of excess spoil. However, we believe there is also a need to revise the national regulations concerning excess spoil placement, because surface mining throughout the country may generate excess spoil. Our existing regulations pertaining to excess spoil fill construction are primarily focused on ensuring that fills are safe and stable. However, these regulations, with minor exceptions, do not explicitly address how the applicants must demonstrate consideration and minimization of the environmental effects of fill construction.

Existing regulatory requirements primarily address the need to ensure that excess spoil fills are not subject to erosion, are stable, and do not cause landslides or washouts. However, SMCRA section 515(b)(22)(I) requires that operators place all excess spoil material so that all other provisions of SMCRA are met. Under this requirement, hydrologic balance, water quality, revegetation, and other performance standards must be addressed in excess spoil design and construction plans.

Accounting for the volume of excess spoil material is standard engineering practice in mine design, and is clearly envisioned by section 515(b)(3) of SMCRA. Concerning thick overburden, this section requires the operator to demonstrate that, due to volumetric expansion of the overburden and other spoil and waste material, more than sufficient material is available to reclaim the site to AOC. In response to a comment on the proposed rule adopted in 1983 on thick overburden performance standards, at 30 CFR 816.105, we stated:

> In a thick-overburden situation the operator must meet all of the performance standards of the rules except that the operator, after achieving AOC, may exceed the AOC requirement. The amount of excess overburden is a site-specific condition and easily documented. Therefore, each permit application requesting consideration under this section should be evaluated by the regulatory authority.

48 FR 23365, (May 24, 1983.)

For all of the above reasons, we believe that national rulemaking is needed to make explicit the requirements that the volume of excess spoil be minimized by returning as much mine spoil to the mined out area as possible, and that excess spoil fills be designed and constructed to minimize the adverse effects to the hydrologic balance, fish, wildlife, and other environmental resources.

B. Why Is OSM Proposing To Revise Its Stream Buffer Zone Regulation?

There is no provision in SMCRA requiring establishment or protection of stream buffer zones. We adopted the concept of a ''buffer zone'' around intermittent and perennial streams as a means ''to protect stream channels from abnormal erosion'' from nearby upslope mining activities. 42 FR 62652 (December 13,1977).

1. Evolving Stream Buffer Zone Rule Controversy

The current Federal SBZ rule has been in effect since June 30, 1983. State regulatory programs include similar requirements. These SBZ requirements were implemented for nearly twenty years before the *Bragg* lawsuit was filed in July 1998. The issues and allegations raised in *Bragg* indicate that there remains considerable misunderstanding regarding the meaning of the SBZ regulation at 30 CFR 816.57, particularly as it applies to the placement of excess spoil fills within and near intermittent and perennial streams.

In addition to the concerns expressed in *Bragg* about USCOE administration of CWA section 404, the plaintiffs alleged that WVDEP violated the West Virginia stream buffer zone rule (38 C.S.R. 2–5.2(a)) by approving applications for surface mining permits that disturb stream buffer zones, even though the permitted activities could not satisfy the applicable criteria for a variance. Plaintiffs argued that the Director of WVDEP may grant a variance for surface mining activities closer than 100 feet to, or through, an intermittent or perennial stream only if he finds that such activities ''will not adversely affect the

[1] The December 23, 1998, settlement agreement between the plaintiffs and the defendants in *Bragg* led to the initiation of the EIS. Paragraph 21 of that agreement states: ''* * * Nothing in this Settlement Agreement shall be construed to limit or modify the Federal Agencies' discretion to alter, amend, or revise from time to time any actions taken by them pursuant to this Settlement Agreement or to promulgate superseding regulations.''

normal flow or gradient of the stream, adversely affect fish migration or related environmental values, materially damage the water quantity or quality of the stream and will not cause or contribute to violations of applicable State or Federal water quality standards,'' under 38 C.S.R. 2–5.2(a). Plaintiffs argued that the State's SBZ rule allows surface mining activities ''closer to, or through'' land within 100 feet of an intermittent or perennial stream only if the activities are minor incursions, but not if the activities would bury substantial portions of the stream. Plaintiff's December 30, 1998, Amended Complaint for Declaratory and Injunctive Relief at 21, filed in *Bragg supra*.

The plaintiffs also argued that valley fills (excess spoil fills) violate the SBZ requirements because such fills bury and destroy substantial portions of intermittent or perennial streams. Plaintiffs contended that, by their very nature, such fills adversely affect the normal flow or gradient of the stream, adversely affect fish migration and related environmental values, materially damage the water quantity and quality of the stream, and cause or contribute to violations of applicable State water quality standards in the segment of the stream actually filled. *Id*. at 21–22.

In reply to plaintiffs' allegations in *Bragg*, WVDEP agreed that streams should be protected, but stated that the language of the West Virginia SBZ rule refers not just to the ''footprint'' of the fill, but to the entire stream segment. WVDEP stated that the plaintiffs are ''myopic'' to think that OSM, in promulgating the SBZ rules, was speaking of particular stream segments. WVDEP asserted that the SBZ protections apply to a stream's entirety, so that one part of a stream, usually the headwaters and upper reaches, may be filled as long as stream quantity and quality are not adversely affected downstream. We were aware that this had been the State's interpretation for a number of years, and we had not taken issue with it.

In August 1999, USEPA, USCOE, OSM, and WVDEP signed a memorandum of understanding (MOU) to clarify the application of the SBZ regulations to the placement of excess spoil fills in waters of the United States. The agencies agreed that the CWA section 404(b)(1) Guidelines (40 CFR Part 230), promulgated by USEPA and used by USCOE in administering the CWA section 404 program, contain requirements comparable to the SBZ regulations. For example, the Guidelines require, among other things, that a discharge shall not be authorized if it will cause or contribute to a violation of State water quality standards or result in significant degradation of waters of the U.S. (40 CFR 230.10(b) and (c)). The MOU states that OSM and WVDEP believe that, if a proposed fill is consistent with the requirements of the CWA section 404(b)(1) Guidelines and applicable requirements for State certification under CWA section 401, the proposed mining operation has satisfied the requirements for a buffer zone waiver under SMCRA and WVDEP regulations.

On October 20, 1999, Judge Haden issued a decision in *Bragg* concerning WVDEP implementation of the State SBZ rule (38 C.S.R. 2–5.2(a)). Judge Haden rejected WVDEP's interpretation that the State SBZ rule applies to the stream as a whole, as opposed to a particular stream segment. He said that such an interpretation leads to an absurd result that miles of stream could be filled and deeply covered with rock and dirt, but, if some stretch of water downstream of the fill remains undiminished and unsullied, the stream has been protected. He went on to say that State and Federal SBZ regulations clearly contemplate protecting stream segments.

The October 20, 1999, decision in *Bragg* also commented on the August 1999 MOU addressing compliance with SBZ waiver requirements. Judge Haden concluded that compliance with the CWA 404(b)(1) Guidelines is not sufficient to satisfy the SBZ waiver requirements, because the Guidelines are more lenient and less protective than the SBZ rule. He explained that the Guidelines require that there be no ''significant degradation'' of waters of the United States; whereas, the SBZ rule requires that the fill ''will not adversely affect'' certain environmental values. Judge Haden concluded that the August 1999 MOU must be rejected as inconsistent with the statutes it interpreted. Accordingly, he held that the MOU is without force or effect on SBZ requirements.

The district court granted summary judgment for the plaintiffs on the SBZ issues, and held that the Director of WVDEP has a non-discretionary duty under the buffer zone rule to deny variances for valley fills in intermittent and perennial streams because they necessarily adversely affect stream flow, stream gradient, fish migration, related environmental values, water quality and quantity, and because they violate State and Federal water quality standards. He also granted the plaintiffs' motion to permanently enjoin the Director of WVDEP from further violations of the non-discretionary duties discussed above and from approving any further surface mining permits under current law that would authorize placement of excess spoil in intermittent and perennial streams for the purpose of waste disposal.

On October 21, 1999, the Director of WVDEP issued an order that no new fill permits would be issued, and no existing fills or permitted fills could be advanced. The coal industry and labor officials expressed considerable concern about the *Bragg* decision and the WVDEP Director's order, because coal mining necessitates stream disturbance.

WVDEP and USCOE appealed Judge Haden's October 1999 decision and order, and were granted a temporary stay of the order pending a decision by the Court of Appeals for the Fourth Circuit. October 29, 1999, Memorandum Opinion and Order Granting Stay at 5, *Bragg supra.*

The U.S. Department of Justice (DOJ) filed a brief on behalf of Federal Appellants in the *Bragg* appeal, which asserted:

> The district court also correctly granted summary judgment on Count 3, holding that the burial of substantial portions of intermittent or perennial streams in valley fills causes adverse environmental impact in the filled stream segments and therefore cannot be authorized consistent with the stream buffer zone rule. The uncontested evidence demonstrates that the burial of substantial portions of intermittent or perennial streams causes adverse environmental effects to the filled stream segments, as such fill eliminates all aquatic life that inhabited those segments.

April 17, 2000, Brief for the Federal Appellants at 25, filed in *Bragg* v. *Robertson*, C.A. No. 99–2683.

However, DOJ qualified the Government's endorsement of the district court's remedy:

> By prohibiting the placement of any excess spoil in intermittent or perennial streams, the district court stripped WVDEP of authority to approve much more modest spoil disposal activities than those challenged by Bragg. The district court's injunction prohibits even minor spoil disposal activities that do not involve the filling of stream segments. Indeed, the district court's injunction would prohibit the placement of even *de minimis* amounts of excess spoil, such as a single rock or handful of dirt, in any intermittent or perennial stream. Neither the law nor the evidence presented to the district court mandates the conclusion that such spoil disposal inevitably causes adverse environmental effects.

Id. at 45.

OSM was not a party to the *Bragg* litigation, and the narrow interpretation of the SBZ rule set out in the DOJ brief is not consistent with our historic interpretation of SMCRA rules. We are

aware of no instance in which OSM has interpreted the SBZ rule to prohibit mining activities, including excess fill construction, within 100 feet of intermittent and perennial streams. In fact, in the preamble of the 1983 SBZ rule, we recognized that mining would directly impact many small streams, especially in Appalachia, but that the SBZ rule, along with other requirements, provides the basis for minimizing those impacts. 48 FR 30313 (June 30, 1983).

Nonetheless, because of the DOJ brief, on April 17, 2000, the Solicitor of the Department of the Interior and the acting Director of OSM sent a letter to the Director of WVDEP informing WVDEP that the August 1999 MOU does not represent the Federal government's current interpretation of the SBZ rule. The letter stated that the Department had reconsidered its position and no longer felt compliance with CWA 404(b)(1) guidelines and CWA 401 certification equated to compliance with the SBZ requirements.

On May 22, 2000, the acting Director of OSM sent letters to the regulatory authorities in Kentucky, Virginia and West Virginia. The letters stated that OSM would develop guidance to explain that findings made in applying the CWA section 404(b)(1) Guidelines cannot be used as a substitute for the finding required to grant a SBZ waiver for the disposal of excess spoil in intermittent or perennial streams. The letter further advised that the guidance would state that the SBZ waiver finding must be applied to each segment of an intermittent or perennial stream in which fill will be placed.

The acting Director of OSM went on to say in the May 22, 2000, letter:

> Pending completion and issuance of that guidance, we believe that permitting decisions regarding whether an activity is entitled to a waiver of the buffer zone requirement must be made on a case-by-case basis, as a part of the stream buffer zone analysis for activities impacting either an intermittent or a perennial stream. This analysis must consider all factors identified in the approved SMCRA program for granting the waiver, including the SBZ regulation found at 30 CFR 816.57.

Neither the brief filed on April 17, 2000, nor the May 22, 2000, letter from the acting Director of OSM to certain regulatory authorities precludes us from reconsidering those interpretations based on the entire record before us, including subsequent developments in *Bragg* and related litigation, and other relevant information and analysis.[2]

On April 24, 2001, the Court of Appeals for the Fourth Circuit overturned the district court's October 20, 1999, decision in *Bragg.* The court of appeals said that, under the 11th Amendment to the U.S. Constitution, the district court did not have jurisdiction to hear the case concerning the State's SBZ rule, because of the State's sovereign immunity. The appellate decision did not address the merits of the plaintiffs' or Federal government's arguments regarding interpretation of the SBZ rule. (*Bragg* v. *Robertson*, 248 F.3d 275 (4th Cir. 2001).

In two later opinions, Judge Haden again addressed the relationship between the SBZ regulation and the CWA in *Kentuckians for the Commonwealth, Inc.* v. *Rivenburgh*, reported at 204 F.Supp. 2d 927 and 206 F. Supp. 2d 782 (S.D. W. Va. 2002). Although neither the SBZ regulations nor SMCRA were at issue in the case, Judge Haden concluded that:

> In SMCRA, when Congress dealt specifically with surface coal mining overburden, it reinforced its plan that fills were appropriate where, and only where, they were justified by some constructive end use and purpose served by the fill itself. Otherwise, such overburden is just waste, to be returned to the mine site to recreate the AOC of the landscape mined. SMCRA contains no provisions authorizing disposal of overburden waste in streams, a conclusion further supported by the stream buffer zone rule.

204 F. Supp. 942.

These opinions were appealed. The Court of Appeals for the Fourth Circuit rejected the district court's comments on the SBZ rule, noting that:

> [R]egardless of whether the fill has a beneficial purpose, SMCRA does not prohibit the discharge of surface coal mining excess spoil in waters of the United States.

Kentuckians for the Commonwealth, Inc v. *Rivenburgh*, 317 F. 3d 425, 442 (4th Cir. 2003).

The appeals court further stated:

> Indeed, it is beyond dispute that SMCRA recognized the possibility of placing excess spoil material in waters of the United States even though those materials do not have a beneficial purpose. Section 515(b)(22)(D) of SMCRA authorizes mine operators to place excess spoil material in ''springs, natural water courses or wet weather seeps'' so long as ''lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented.'' 30 U.S.C. 1265(b)(22)(D). In addition, section 515(b)(24) requires surface mine operators to ''minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable,'' implying the placement of fill in the waters of the United States. 30 U.S.C. 1265(b)(24). It is clear that SMCRA anticipates the possibility that excess spoil material could and would be placed in waters of the United States, and the fact cannot be juxtaposed with section 404 of the Clean Water Act to provide a clear intent to limit the term ''fill material'' to material deposited for a beneficial primary purpose.

Id. at 443.

In light of all the questions and concerns that have been raised concerning SBZ requirements, we are proposing amendments to the SBZ rule to clarify the circumstances in which mining activities such as the construction of excess spoil fills may be allowed within the SBZ.

2. SBZ Regulatory Background

As previously explained, there are no provisions in SMCRA requiring establishment or protection of a stream buffer zone. We adopted the concept of a ''buffer zone'' around intermittent and perennial streams[3] as a means ''to protect stream channels from abnormal erosion'' from nearby upslope mining activities. 42 FR 62652 (December 13, 1977) The initial program regulations establishing the SBZ requirements provide:

> No land within 100 feet of an intermittent or perennial stream shall be disturbed by surface coal mining and reclamation operations unless the regulatory authority specifically authorizes surface coal mining and reclamation operations through such a stream. The area not to be disturbed shall be designated a buffer zone and marked as specified in § 715.12.

30 CFR 715.17(d)(3).

The 1977 regulation, which is still in effect, does not specify the conditions under which the regulatory authority could waive the SBZ requirement. We confirmed in the preamble to the 1977 rule that, ''if operations can be conducted within 100 feet of a stream in

[2] Positions taken by agencies in briefs submitted in litigation are ''entitled to respect * * * to the extent that [they] * * * have the 'power to persuade,' '' but are not normally entitled to the judicial deference given to validly promulgated agency regulations. *Chevron USA Inc.* v. *Natural Resources Defense Council, Inc.*, 46 U.S. 837 (1984). *See Ball* v. *Memphis Bar-B-Q Co.*, 228 F.3d 360, 365 (4th Cir. 2000) (quoting *Christensen* v. *Harris Co.*, 529 U.S. 576, 587 (2000)). Similarly, documents such as opinion letters and policy statements from federal officials are not entitled to the degree of deference accorded to adopted rules. Id. Agency positions in such documents have at most, limited effect as statements of agency policy or interpretation. This is particularly so if the agency subsequently re-evaluates a matter. *See also Appalachian Power Co.* v. *Train*, 620 F.2d 1040, 1045–6 (4th Cir. 1980).

[3] The initial regulations defined ''Intermittent or perennial streams'' to mean ''a stream or part of a stream that flows continuously during all (perennial) or for at least one month (intermittent) of a calendar year as a result of ground-water discharge or surface runoff.'' 42 FR 62678 (December 13, 1977)

an environmentally acceptable manner, they may be approved.'' 42 FR 62652 (December 13, 1977).

We published our permanent program regulations in the **Federal Register** on March 13, 1979. Those regulations retained a revised SBZ concept as a means to implement various SMCRA provisions, in particular, sections 515(b)(10) and 515(b)(24). 44 FR 15176 (March 13, 1979). Section 515(b)(10) requires that mining operations ''minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas' by, among other things, preventing, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside of the permit area. Section 515(b)(24) requires operations to ''minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values.''

We explained in the preamble to the 1979 final rule: ''Buffer zones are required to protect streams from adverse effects of sedimentation and from gross disturbance of stream channels.'' 44 FR 15176 (March 13, 1979) The bulk of the discussion in that preamble focused on protecting streams from sedimentation. *Id.* We stated that the SBZ rule ''protects stream channels, but contemplates that the regulatory authority may allow surface mining activities to be conducted within'' the SBZ. ''Thus, if operations can be conducted within 100 feet of a stream in an environmentally acceptable manner, they may be approved.'' *Id.*

The 1979 SBZ rule specified conditions under which the regulatory authority could grant an exemption to the SBZ restriction. The permanent program rule also replaced the term ''intermittent stream'' with ''stream with a biological community.'' The 1979 permanent program rule provided that, in order to grant an exemption from the SBZ restriction, the regulatory authority had to find:

(1) That the original stream channel will be restored; and

(2) During and after the mining, the water quantity and quality from the stream section within 100 feet of the surface mining activities shall not be adversely affected.

30 CFR 816.57(a).

It is important to note that the second finding required for granting an SBZ waiver requires the regulatory authority to evaluate effects on water quantity and quality, not at the location of the mining activity, but within 100 feet of the activity. This concept was not expressly retained in the 1983 version of the SBZ rule. However, the 1983 rule language does not preclude OSM's practice since 1979 of not requiring evaluation of effects on the segment of stream directly affected by surface mining activities. Instead, when acting on waivers for the buffer zone, OSM has required an evaluation of the effects anticipated within the stream section within 100 feet downstream of the surface mining activities, and outside the area affected by surface mining activities.

On March 30, 1982, our current SBZ regulations were published in the **Federal Register** as proposed rules. 47 FR 13466. We published the final regulations over a year later on June 30, 1983. (48 FR 30327). In the preamble to the proposed rule in March 1982, we stated that the 1979 regulations had to be changed because they had proved excessive and too confusing to implement. 47 FR 13467. This characterization primarily stemmed from the 1979 rule's reference to protecting ''streams with a biological community,'' but was also based on the agency's recognition that the condition for granting an exemption to the SBZ restriction—to restore the original stream channel—was too impractical. *Id.*

The 1983 amendments reinstated use of the term ''intermittent stream'' in place of ''streams with a biological community.'' The amended regulation also changed the conditions for authorizing an exemption to the SBZ restriction, to require that:

(1) Surface mining activities will not cause or contribute to the violation of applicable State or Federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

(2) If there will be a temporary or permanent stream channel diversion, it will comply with § 816.43.

We reaffirmed the basic purpose of the SBZ rule in the preamble to the June 30, 1983, amendments: to protect streams from sedimentation and from gross disturbances of the stream channel. We said that SBZs are effective means, in conjunction with sediment ponds and other measures, to prevent excessive sedimentation of streams by runoff from disturbed surface areas. We also said that the new rules recognize that intermittent and perennial streams have environmental resource values worthy of protection under section 515(b)(24) of SMCRA. 48 FR 30312 (June 30, 1983).

Several commenters recommended that a new phrase in the March 1982 proposed rule ''as determined by State or Federal water quality standards'' be deleted or clarified. To address the commenters' concerns and to eliminate regulatory uncertainty, we adopted the phrase ''will not cause or contribute to violation of applicable State or Federal water quality standards.'' We explained that operators would be required to comply with all ''non-Act requirements for water'' protection under proposed hydrologic balance protection regulations at § 816.41 (§ 816.41 was proposed in the **Federal Register** on June 25, 1982 (47 FR 27712) and finalized on September 26, 1983 (48 FR 43956)). While the language of § 816.41 does not specifically state that ''operators will be required to comply with all non-Act requirements for water,'' it does provide that mining and reclamation activities must be conducted to minimize pollution and changes in flow, disturbance to the hydrologic balance on site, and to prevent material damage off site. Even without this advisory language, an operator must comply with all applicable local, State, and Federal permits and other requirements for water quality.

In the preamble to the 1983 final rule, our response to a comment indirectly elaborated on the requirement that SMCRA mining operations ''will not adversely affect the water quantity and quality or other environmental resources of the stream.'' We implicitly recognized that this condition does not require that ''no adverse'' effects occur, but rather requires that these effects be minimized, when we stated:

Alteration of streams may have adverse aquatic and ecological impacts on both diverted stream reaches and other downstream areas. However, final § 816.57(a) will minimize these impacts* * *

48 FR 30315 (June 30, 1983).

Finally, in response to a comment on the 1983 SBZ rule, we explained that the clause ''will not adversely affect * * * related environmental resources'' was added to the conditions for a SBZ exemption to more accurately reflect the objectives of sections 515(b)(10) and (24) of SMCRA. 48 FR 30316 (June 30, 1983).

The January 1983 final environmental statement ''OSM–EIS–1: Supplement'' provided the NEPA support for the 1983 SBZ rule. The following excerpt illustrates our recognition that some small streams would be impacted by mining under the revised SBZ rule:

The draft final regulations on the stream buffer zone (section 816.57) would provide essentially the same protection to water quality of streams as the current regulations. The draft final regulations, however, would provide protection to perennial and intermittent streams, whereas, the current regulations protect perennial streams and streams with a biological community. The

current definition of ''intermittent stream'' (section 701.5) does not include streams draining less than 1 square mile. Those streams would not be protected by the buffer zone where they would have been protected before. Many such streams are found in the Appalachian coal region and support biological communities or serve as fish spawning areas. In most cases, impact of mining on those streams would be temporary because of the requirement to design and construct permanent diversions or stream channels to restore or approximate the premining characteristics of the original stream channel and natural riparian vegetation (draft final section 816.41(f)). In some cases, such as small headwater drainages, the original stream channel might not be restored. Where this happens, the disruption of the stream channel could potentially alter the hydrologic balance downstream, with subsequent impacts on fish. Requirements to protect the hydrologic balance would tend to limit this, and such impacts are not considered significant.

(OSM, 1983, p. IV–37).

In the 1983 EIS, we went on to discuss the impacts of more environmentally protective alternatives to the 1983 SBZ rule:

OSM could eliminate the exemption from the general stream buffer zone requirements (section 816.57), and all mining would be prohibited within 100 feet of any perennial or intermittent stream. Although this would provide maximum protection to streams, the potential impacts on coal recovery could be significant in those areas with large coal reserves and extensive water resources.

OSM could redefine ''intermittent stream'' in current section 701.5.

This definition is not being revised under the preferred alternative. A broader definition of intermittent stream consistent with that of the Army Corps of Engineers' definition would allow regulatory authorities to protect smaller streams (those draining less than 1 square mile) with buffer zones where necessary. This would mitigate the potential impacts identified for the draft final regulations on stream buffer zones.

(Ibid, p. IV–83).

These paragraphs further illustrate that we did not intend the SBZ rule as an absolute prohibition of mining in the buffer zone. It also shows that we did not anticipate regulatory authorities to apply the SBZ to watercourses in small watersheds (less than 1 square mile).

The 1983 SBZ rule was challenged in U.S. District Court, District of Columbia, by both the coal industry and the National Wildlife Federation and successfully defended by OSM. *In re: Permanent Surface Mining Regulation Litigation II*, No. 79–1144 [21 ERC 1741–1742] (October 1, 1984).

C. Reference Materials

Paybins, Katherine S., *Flow Origin, Drainage Area, and Hydrologic Characteristics for Headwater Streams in Mountaintop Coal-Mining Region of Southern West Virginia*, Water Resources Investigations Report 02–4300, U.S. Geological Survey. 2003.

Office of Surface Mining Reclamation and Enforcement, *Permanent Regulatory Program Implementing Section 501(b) of the Surface Mining Control and Reclamation Act of 1977*, Final Environmental Statement OSM–EIS–1, January 1979.

Office of Surface Mining Reclamation and Enforcement, *Proposed Revisions to the Permanent Program Regulations Implementing Section 501(b) of the Surface Mining Control and Reclamation Act of 1977*, Volume 1: Analysis—Revised text and responses to comments, Final Environmental Statement OSM—EIS–1: Supplement, January 1983.

U.S. Department of the Interior, Office of Surface Mining, ''An Evaluation of Approximate Original Contour and Post-mining Landuse in Kentucky'' USOSM Oversight Report, September 1999.

U.S. Department of the Interior, Office of Surface Mining, ''An Evaluation of Approximate Original Contour Variances and Postmining Land Uses in Virginia'' USOSM Oversight Report, September 1999.

U.S. Department of the Interior, Office of Surface Mining, ''Final Report: An Evaluation of Approximate Original Contour and Postmining Land Use in West Virginia.'' USOSM Oversight Report, May 1999.

U.S. Environmental Protection Agency, *Mountaintop Mining/Valley Fills in Appalachia Draft Programmatic Environmental Impact Statement*, EPA 9–03–R–00013, EPA Region 3, June 2003.

II. Discussion of the Proposed Rules

For convenience, where the discussion concerns the SBZ regulation at 30 CFR 816.57 (surface mining) and 30 CFR 817.57 (underground mining), or the regulation pertaining to diversions at 30 CFR 816.43 (surface mining) and 30 CFR 817.43 (underground mining), these sections are cited together in the heading as §§ 816.[ ]/817.[ ], but in most cases only part 816 is referenced in the text. The changes to permitting requirements in part 780 and the performance standards in § 816.71 would apply only to surface mines, and corresponding changes to the regulations for underground mines are not being proposed. We decided not to propose changes to the excess spoil regulations applicable to underground mining because the current regulations in this regard are satisfactorily working, and the size and number of excess spoil fills associated with underground mining are small.

A. Reclamation Plan (§ 780.18(b)(3))

Section 780.18(b)(3) requires a permit application to contain a plan for backfilling, soil stabilization, compacting and grading, with contour or cross-section maps that show the anticipated final surface configuration of the proposed permit area, in accordance with the applicable performance standards. Authority for this section stems from SMCRA sections 507(b)(14), 508(a)(5) and (10), 515(b)(3) through (6), (8), (10), (11), (13), (17), and (22).

In essence, § 780.18(b)(3) requires that the application show how all spoil and soil from the mine site will be managed. While excess spoil is not specifically discussed, it would certainly be integral to, and encompassed by, this plan. Because of the growing concerns regarding the volume of excess spoil and the size of excess spoil fills, we propose to amend this regulation to require the applicant to include sufficient supporting information in the plan to demonstrate, to the satisfaction of the regulatory authority, that the applicant has taken necessary steps to avoid the generation of excess spoil and has minimized the volume of excess spoil to the maximum extent possible. Minimizing the volume of excess spoil is fundamentally important to ensure that adverse environmental effects stemming from the construction of excess spoil fills are minimized.

B. Disposal of Excess Spoil (§§ 780.35 and 816.71)

Section 780.35 requires the operator provide necessary plans describing the sites and structures to be used in the disposal of excess spoil. Section 780.35(a) states:

Each application shall contain descriptions, including appropriate maps and cross section drawings, of the proposed disposal site and design of the spoil disposal structures according to 30 CFR 816.71–816.74. * * *

The authority for § 780.35 is sections 102, 210, 501, 503, 507, 508, 510, and 515 of SMCRA. Principally, this section establishes the overall requirements for a plan for handling excess spoil in compliance with the performance standards at section 515(b)(22) of SMCRA. Section 816.71 establishes the general performance standards to implement section 515(b)(22).

We propose to further strengthen regulations at § 780.35 and § 816.71 to more explicitly address the direct impacts associated with excess spoil fill construction. In § 780.35, we propose requiring that each permit application (for which excess spoil is anticipated) contain alternative analyses of the environmental impacts of constructing fills in different locations and under different configurations, with different sizes and numbers of fills to accommodate the excess spoil. OSM anticipates that this analysis will

address the baseline information collected as part of the permitting process, such as fish, wildlife, stream quality, vegetative cover, and other information, in order to make an informed, science-based decision as to where excess spoil material should be placed to result in the least environmental impact. For example, a permit applicant might evaluate available alternatives such as placing a fill in either a relatively pristine stream or a degraded stream. If all other factors were equal, we would expect that the stream with higher water quality would be protected. Similarly, we would expect to see an analysis of the environmental impacts of each alternative, based on the available baseline information typically collected as part of the SMCRA and/or CWA section 404 application process. The analysis would discuss how the impacts of the alternatives would vary; for example, the impacts of constructing fewer large excess spoil fills, compared to the impacts of constructing many small fills.

In § 816.71, we propose to add a requirement in subsection (c)(2) to ensure that fills are located so as to minimize, to the extent possible, adverse impacts to the prevailing hydrologic balance, fish, wildlife, and related environmental values (after considering alternative fill locations, sizes, and numbers). In addition, § 816.71 would be revised to add a required demonstration that cumulative volume of fill for an operation is no larger than necessary to accommodate the cumulative volume of excess spoil from the operation. The purpose of this latter change is to make it clear that operators should not design excess spoil fills to be inordinately oversized, and to require operators to minimize the area disturbed by spoil fill, in relation to the volume of excess spoil disposed. As the operator decreases the size of the fill footprint, the operator will reduce the extent to which fills cover stream reaches. Decreasing the fill footprint will also reduce the area of forest and riparian vegetation disturbed.

C. Stream Buffer Zones (§§ 816.57/817.57)

In order to reduce the regulatory uncertainty regarding the interpretation of our SBZ requirements, we propose to revise the language that has led to varying interpretations. The proposed language aligns more closely with the statutory basis for the SBZ rule. The existing SBZ rule for surface mining activities is found at 30 CFR 816.57. The SBZ rule for underground mining is found at 30 CFR 817.57. We are proposing essentially the same changes for both regulations. The SBZ rule for surface mining activities provides:

> 30 CFR 816.57 Hydrologic balance: Stream buffer zones.
>
> (a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by surface mining activities, unless the regulatory authority specifically authorizes surface mining activities closer to, or through, such a stream. The regulatory authority may authorize such activities only upon finding that—
>
> (1) Surface mining activities will not cause or contribute to the violation of applicable State or Federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream; and
>
> (2) If there will be a temporary or permanent stream-channel diversion, it will comply with § 816.43.
>
> (b) The area not to be disturbed shall be designated as a buffer zone, and the operator shall mark it as specified in § 816.11.

We propose to revise the language of paragraph (a)(1) above by requiring two findings by the regulatory authority that would be conditions for granting an SBZ waiver. The first finding would be that the surface mining activities will ''prevent, to the extent possible using best technology currently available (BTCA), additional contributions of suspended solids to the stream section within 100 feet downstream of the surface mining activity, and outside of the area of the surface mining activity.''

We believe that the first condition comports with a principal goal of the SBZ rule that has been stated throughout the history of the rule: to protect streams outside of the mining permit area from sedimentation. The change would align with the requirement of SMCRA section 515(b)(10)(B)(i) that the operation: ''prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow, or runoff outside the permit area.'' This change would also make the SBZ rule more consistent with other SMCRA regulations, as well as with the CWA. For example, the proposed language would be more consistent with 30 CFR 816.41(a), which states:

> All surface mining and reclamation activities shall be conducted to minimize disturbance to the hydrologic balance within the permit and adjacent areas, to prevent material damage to the hydrologic balance outside of the permit area * * *

Further, the proposed change would not affect, but would eliminate redundancy with, the requirements of 30 CFR 816.42, which would continue to apply to surface mining activities. Section 816.42 requires that:

> Discharges of water from areas disturbed by surface mining activities shall be made in compliance with applicable State and Federal water quality laws and regulations and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434.

The change would have no effect on a mining operator's obligation to comply with other statutes, such as the CWA. The proposed change is intended to avoid the possibility that the SBZ rule could be misinterpreted to supersede the CWA by prohibiting an activity because of water quality standards that would otherwise be authorized under the CWA. Thus, the proposed rule would also be consistent with section 702 of SMCRA (30 U.S.C. 1292), which requires that nothing in SMCRA ''shall be construed as superseding, amending, modifying, or repealing'' the CWA or ''any rule or regulation promulgated thereunder.''

The second condition would require a regulatory authority finding that the surface mining activities will ''minimize, to the extent possible using BTCA, disturbances and adverse impacts on fish, wildlife, and other related environmental values.'' This change more closely aligns with SMCRA section 515(b)(24), which provides:

> [T]o the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife and related environmental values * * *

It is virtually impossible to conduct mining activities within 100 feet of an intermittent or perennial stream without causing some adverse impacts, even if those impacts are very small. We believe SMCRA recognizes that an absolute standard of ''no adverse impacts'' is unattainable. This is reflected in the fact that SMCRA in most cases requires the mining operation to minimize, rather than completely prevent, adverse environmental impacts. We invite comment on this position.

The history of the rule shows that we recognized some adverse impacts would occur at the site of the mining activity in the stream buffer zone. For example, in the analyses of the projected impacts associated with the 1983 rule, we assumed that streams occurring in small watersheds (less than 1 square mile) might be adversely impacted by mining, even though we knew that many of these streams would be likely to come within the definition of ''intermittent'' or ''perennial'' streams. Therefore, in this proposed rule, rather than prohibiting any adverse impacts, we would require that these impacts be minimized to the extent possible using the best technology currently available,

and that operators prevent additional contributions of suspended solids to the stream section within 100 feet downstream of the mining activity, and outside the area affected by surface mining activities. We believe that making these two requirements for findings explicit in the rule would provide necessary safeguards for streams consistent with the original intent of SMCRA.

The Federal regulations at 30 CFR 701.5 define ''best technology currently available'' to mean:

> * * * equipment, devices, systems, methods, or techniques which will (a) prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by applicable State or Federal laws; and (b) minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques, which are currently available anywhere as determined by the Director, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 30 CFR parts 816 and 817. Within the constraints of the permanent program, the regulatory authority shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by the Act and this chapter.

We would expect that the regulatory authority would authorize a waiver of the SBZ requirements only if information and analysis in the permit application record demonstrates to the satisfaction of the regulatory authority that (1) the proposed volume of excess spoil would be minimized, (2) proposed excess spoil fills associated with a mine would be no larger than needed to accommodate the volume of spoil from the mine, and (3) alternative fill locations, sizes, and numbers have been analyzed and the proposed excess spoil disposal plan incorporates the alternatives that cause the least environmental harm. Further, we would expect that the regulatory authority, in performing these reviews and making findings, would consider all applications of BTCA that would minimize adverse impacts, consistent with the definition of BTCA at 30 CFR 701.5. This type of analysis complements the ''no practical alternative'' requirements for CWA section 404 applicants.

Although it was vacated on procedural grounds, the opinion rendered by the district court in *Bragg* clearly viewed the SBZ requirements as applying restrictions more stringent than those of the CWA section 404 program. However, in part because of the references to CWA in section 702 of SMCRA mentioned above, we believe it is appropriate to limit SBZ restrictions on placement of fills in streams when those fills are also expressly regulated and authorized under section 404 of the CWA. The proposed rule also takes into consideration the 1980 decision of the District of Columbia Circuit Court of Appeals which held that any variances and exemptions under the Federal Water Pollution Control Act (now referred to as the CWA) that are applicable to surface coal mining operations are substantive elements rather than ''gaps'' in CWA authority. Therefore, the 1980 decision held that OSM may not alter those requirements by adopting more stringent provisions for surface coal mining operations. We invite comment on whether the proposed amendments to 30 CFR 816.57 and 817.57 are consistent with the requirement in section 702 concerning the interpretation of SMCRA relative to CWA.

D. Diversion of Perennial and Intermittent Streams. (§§ 816.43(b) / 817.43(b))

The current version of the regulation concerning the diversion of perennial and intermittent streams at § 816.43(b)(1) refers to the findings that the regulatory authority is required to make under the SBZ regulations:

> Diversion of perennial and intermittent streams within the permit area may be approved by the regulatory authority after making the finding relating to the stream buffer zones that the diversion will not adversely affect the water quantity and quality and related environmental resources of the stream.

To comport with the proposed SBZ regulation and to eliminate redundancy, we propose to revise the above language by striking the words ''that the diversion will not adversely affect the water quantity and quality and related environmental resources of the stream.'' As noted above, other provisions of SMCRA and the implementing regulations address impacts of the mining operation on water quality and quantity.

III. How Do I Submit Comments on the Proposed Rule?

Electronic or Written Comments: If you submit written comments, they should be specific, confined to issues pertinent to the proposed rule, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on a final rule will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

Except for comments provided in an electronic format, you should submit three copies of your comments if practicable. We will not consider anonymous comments. Comments received after the close of the comment period (see **DATES**) or at locations other than those listed above (see **ADDRESSES**) will not be considered or included in the Administrative Record.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking record. We will honor this request to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, to the extent allowed by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment.

We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public hearings: We will hold a public hearing on the proposed rule upon request only. The time, date, and address for any hearing will be announced in the **Federal Register** at least 7 days prior to the hearing.

Any person interested in participating in a hearing should inform Mr. David G. Hartos (see **FOR FURTHER INFORMATION CONTACT**), either orally or in writing by 5 p.m., Eastern time, on January 28, 2004. If no one has contacted Mr. Hartos to express an interest in participating in a hearing by that date, a hearing will not be held. If only one person expresses an interest, a public meeting rather than a hearing may be held, with the results included in the Administrative Record.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not

been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard. To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony.

Public meeting: If there is only limited interest in a hearing at a particular location, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with us to discuss the proposed rule may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All meetings will be open to the public and, if possible, notice of the meetings will be posted at the appropriate locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the administrative record of this rulemaking.

IV. Procedural Matters and Required Determinations

A. Executive Order 12866—Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under Executive Order 12866 for the following reasons:

a. This rule would not have an annual effect of $100 million or more on the economy. It would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. As previously stated, the revisions contained in the rule are intended to clarify existing requirements to: (1) Minimize the adverse environmental effects stemming from the construction of excess spoil fills; and (2) reduce regulatory uncertainty concerning the circumstances in which mining activities, such as the construction of excess spoil fills, may be allowed within 100 feet of a perennial or intermittent stream. The revisions are not expected to have an adverse economic impact on States and Indian Tribes or the regulated industry.

Some of the regulatory changes will result in an increase in the costs and burdens placed on coal operators and on some primacy States. It is estimated that the total annual increase for operators would be approximately $240,500, and for the primacy States the total annual increase is estimated at approximately $24,200. These increases are due to the requirement to document the analyses and findings required by these regulatory changes. The estimated increase in costs will likely only affect those coal operators and States (Kentucky, Virginia, and West Virginia) located in the steep slope terrain of the central Appalachian coalfields, where the bulk of excess spoil is generated. Because all of the regulatory agencies in the Appalachian coalfields have implemented policies to minimize the volume of excess spoil, no significant additional costs of implementing these regulatory changes are anticipated other than those required to document the strengthened requirements to consider all alternative excess spoil construction and disposal sites. This rule would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

b. This rule would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

c. This rule would not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

d. This rule would clarify existing regulatory requirements and does not raise novel legal or policy issues arising from legal mandates, Presidential priorities, or the principles set forth in the Executive Order.

B. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not considered a significant energy action under Executive Order 13211. The revisions contained in this rule would not have a significant effect on the supply, distribution, or use of energy.

C. Regulatory Flexibility Act

The Department of the Interior certifies that this rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the reasons previously stated, the revisions are not expected to have an adverse economic impact on the regulated industry including small entities. Further, the rule would produce no adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets.

D. 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, for the reasons stated above:

a. Would not have an annual effect on the economy of $100 million or more.

b. Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Would 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.

E. Unfunded Mandates

This rule would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, Tribal, or local governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1534) is not required.

F. Executive Order 12630—Takings

In accordance with Executive Order 12630, the rule would not have significant takings implications.

G. Executive Order 13132—Federalism

In accordance with Executive Order 13132, the rule would not have significant Federalism implications to warrant the preparation of a Federalism Assessment for the reasons discussed above.

H. Executive Order 12988—Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule would not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

I. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally recognized Indian Tribes and have determined that the proposed revisions pertaining to excess spoil and the stream buffer zone would not have substantial direct effects on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian Tribes.

J. Paperwork Reduction Act

In accordance with 44 U.S.C. 3507(d), OSM has submitted the information collection and record keeping requirements of 30 CFR parts 780, 816 and 817 to the Office of Management and Budget (OMB) for review and approval.

30 CFR Part 780

Title: Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–xxx1.

Summary: Permit application requirements in sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of Public Law 95–87 require the applicant to submit the operations and reclamation plan for coal mining activities. Information collection is needed to determine whether the mining and reclamation plan will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for surface coal mine permits.

Total Annual Responses: 477.

Total Annual Burden Hours: 231,671.

Non-labor Cost Burden: $2,125,220.

30 CFR Parts 816 and 817

Title: Permanent Program Performance Standards—Surface and Underground Mining Activities.

OMB Control Number: 1029–xxx2.

Summary: Sections 515 and 516 of the Surface Mining Control and Reclamation Act of 1977 provide that permittees conducting surface coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority in monitoring and inspecting coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.

Bureau Form Number: None.

Frequency of Collection: Once, on occasion, quarterly and annually.

Description of Respondents: Surface coal mining operators.

Total Annual Responses: 186,341.

Total Annual Burden Hours: 871,140.

Non-labor Cost Burden: $315,000.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of OSM and State regulatory authorities, including whether the information will have practical utility;

(b) The accuracy of OSM's estimate of the burden of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of collection on the respondents.

Under the Paperwork Reduction Act, OSM must obtain OMB approval of all information and recordkeeping requirements. No person is required to respond to an information collection request unless the form or regulation requesting the information has a currently valid OMB control (clearance) number. These numbers appear in sections 780.10, 816.10, and 817.10 of 30 CFR parts 780, 816, and 817, respectively. To obtain a copy of OSM's information collection clearance requests, explanatory information, and related forms, contact John A. Trelease at (202) 208–2783 or by e-mail at *jtreleas@osmre.gov.*

By law, OMB must respond to OSM within 60 days of publication of this proposed rule, but may respond as soon as 30 days after publication. Therefore, to ensure consideration by OMB, you must send comments regarding these burden estimates or any other aspect of these information collection and recordkeeping requirements by February 6, 2004, to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Interior Desk Officer, via e-mail to *oira_docket@omb.eop.gov*, or via facsimile to (202) 395–6566. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 210–SIB, Washington, DC 20240, or electronically to *jtreleas@osmre.gov.*

K. National Environmental Policy Act

We have prepared a draft environmental assessment (EA) of the proposed rule in accordance with the National Environmental Policy Act of 1969 and have made a tentative determination that this rule will not significantly affect the quality of the human environment. It is anticipated that a finding of no significant impact (FONSI) will be made for the final rule in accordance with Departmental procedures under NEPA. The EA is on file in our administrative record at the address specified previously *(see* **ADDRESSES**). The EA will be completed and a finding made on the significance of any resulting impacts before we publish the final rule.

L. Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections (A ''section'' appears in bold type and is preceded by the symbol ''§ ''and a numbered heading; for example, § 780.18 Reclamation Plan: General Requirements. (5) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the proposed rule? (6) What else could we do to make the proposed rule easier to understand? Send a copy of any comments that concern how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW., Washington, DC 20240. You may also e-mail the comments to this address: *Exsec@ios.doi.gov.*

List of Subjects

30 CFR Part 780

Reporting and record keeping requirements, Mines, Surface mining, Reclamation, Excess Spoil.

30 CFR Part 816

Environmental protection, Reporting and record keeping requirements, Mines, Surface mining, Reclamation, Excess spoil, Diversions, Stream buffer zone.

30 CFR Part 817

Environmental protection, Reporting and record keeping requirements, Mines, Underground mining, Reclamation, Excess spoil, Diversions, Stream buffer zone.

Dated: December 19, 2003.

Patricia E. Morrison,

Acting Assistant Secretary, Land and Minerals Management.

Accordingly, we propose revising 30 CFR parts 780, 816, and 817 as set forth below.

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

1. The authority citation for Part 780 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and 16 U.S.C. 470 *et seq.*

2. Section 780.10 is revised to read as follows:

§ 780.10 Information collection.

(a) The collections of information contained in Part 780 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–xxx1. Permit application requirements in sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of the Surface Mining Control and Reclamation Act (Pub. L. 95–87) require the applicant to submit the operations and reclamation plan for coal mining activities. Information collection is needed to determine whether the mining and reclamation plan will achieve required reclamation and environmental protection. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

(b) Public Reporting Burden for this information is estimated to average 29 hours per response and non-labor costs of $8,855.00, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., SIB 210, Washington, DC 20240. Please refer to OMB Control Number 1029–xxx1 in any correspondence.

3. In § 780.18 revise paragraph (b)(3) to read as follows:

§ 780.18 Reclamation plan: General requirements.

* * * * *

(b) * * *

(3) A plan for backfilling, soil stabilization, compacting, and grading, with contour maps or cross sections that show the anticipated final surface configuration of the proposed permit area, in accordance with 30 CFR 816.102 through 816.107. If excess spoil is anticipated, the plan must demonstrate to the satisfaction of the regulatory authority that the volume of excess spoil will be minimized to the maximum extent possible;

* * * * *

4. In § 780.35, redesignate paragraphs (b) and (c) as paragraphs (c) and (d) and add new paragraph (b) to read as follows:

§ 780.35 Disposal of excess spoil.

* * * * *

(b) Each application shall also describe the steps to be taken to minimize the adverse environmental effects stemming from the construction of excess spoil fills, and provide analyses of the environmental impacts of alternative disposal plans to accommodate the volume of excess spoil in which the configurations of fills, including fill location, number and size, vary.

* * * * *

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

5. The authority citation for Part 816 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*; and sec 115 of Pub. L. 98–146.

6. Section 816.10 is revised to read as follows:

§ 816.10 Information collection.

(a) The collections of information contained in Part 816 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–xxx2. The information will be used by the regulatory authority to monitor and inspect surface coal mining activities to ensure that they are in compliance with the Surface Mining Control and Reclamation Act. Response is required to obtain a benefit.

(b) Public Reporting Burden for this information is estimated to average 10 hours per response and non-labor costs of $70.00, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., SIB 210, Washington, DC 20240. Please refer to OMB Control Number 1029–xxx2 in any correspondence.

7. In § 816.43, revise paragraph (b)(1) to read as follows:

§ 816.43 Diversions

* * * * *

(b) * * *

(1) The regulatory authority may approve the diversion of perennial and intermittent streams within the permit area after making the finding required by § 816.57 of this chapter.

* * * * *

8. In § 816.57, redesignate paragraphs (a)(2) and (b) as (b) and (c), respectively and revise paragraph (a) to read as follows:

§ 816.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by surface mining activities, unless the regulatory authority specifically authorizes such activities closer to or through the stream. The regulatory authority may authorize such activities only upon finding that the activities will, to the extent possible, using the best technology currently available—

(1) Prevent additional contributions of suspended solids to the stream section within 100 feet downstream of the surface mining activities, and outside of the area affected by surface mining activities; and

(2) Minimize disturbances and adverse impacts on fish, wildlife, and other related environmental values of the stream.

* * * * *

9. In § 816.71 revise paragraphs (a)(2), (a)(3) and (c) and add paragraph (a)(4) to read as follows:

§ 816.71 Disposal of excess spoil; General requirements.

* * * * *

(a) * * *

(2) Ensure mass stability and prevent mass movement during and after construction;

(3) Ensure that the final fill is suitable for reclamation and revegetation compatible with the natural surroundings and the approved postmining land use; and

(4) Ensure that the cumulative volume of excess spoil fills is no larger than necessary to accommodate the cumulative excess spoil volume generated.

* * * * *

(c) Location. (1) The disposal area shall be located on the most moderately sloping and naturally stable areas available, as approved by the regulatory authority, and shall be placed, where possible, upon or above a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement; and

(2) After considering alternative fill locations and size fills, fills must also be located so as to minimize, to the extent possible, adverse impacts on the prevailing hydrologic balance, fish, wildlife, and related environmental values.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

10. The authority citation for Part 817 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

11. Section 817.10 is revised to read as follows:

§ 817.10 Information collection.

(a) The collections of information contained in part 817 have been approved by Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–xxx2. The information will be used to meet the requirements of 30 U.S.C. 1211, 1251, 1266, and 1309a, which provide, among other things, that permittees conducting underground coal mining operations will meet the applicable performance standards of the Act. The regulatory authority will use this information in monitoring and inspecting underground mining activities. The obligation to respond is required to obtain a benefit.

(b) Public reporting burden for this information is estimated to average 10 hours per response and non-labor costs of $70.00, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., SIB 210, Washington, DC 20240. Please refer to OMB Control Number 1029–xxx2 in any correspondence.

12. In § 817.43, revise paragraph (b)(1) to read as follows:

§ 817.43 Diversions.

* * * * *

(b) * * *

(1) The regulatory authority may approve the diversion of perennial and intermittent streams within the permit area after making the finding required by § 817.57 of this chapter.

* * * * *

13. In § 817.57 redesignate paragraphs (a)(2) and (b) as (b) and (c), respectively, and revise paragraph (a) to read as follows:

§ 817.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by underground mining activities, unless the regulatory authority specifically authorizes such activities closer to or through, such a stream. The regulatory authority may authorize such activities only upon finding that the activities will, to the extent possible, using the best technology currently available—

(1) Prevent additional contributions of suspended solids to the stream section within 100 feet downstream of the underground mining activities, and outside the area affected by the underground mining activities; and

(2) Minimize disturbances and adverse impacts on fish, wildlife, and other related environmental values of the stream.

* * * * *

[FR Doc. 04–266 Filed 1–6–04; 8:45 am]

BILLING CODE 4310–05–P

Federal Register

Wednesday,
January 7, 2004

Part V

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 1, 5 et al.

Federal Acquisition Circular 2001–19 and Federal Acquisition Regulations; Final Rules and Interim Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Circular 2001–19; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules and technical amendments and corrections.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2001–19. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.arnet.gov/far*.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 2001–19 and specific FAR case number(s). Interested parties may also visit our Web site at *http://www.arnet.gov/far*.

Item	Subject	FAR case	Analyst
I	New Consolidated Form for Selection of Architect-Engineer Contractors	2000–608A	Davis.
II	Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds (Interim)	2003–016	Davis.

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

FAC 2001–19 amends the FAR as specified below:

Item I—New Consolidated Form for Selection of Architect-Engineer Contractors (FAR Case 2000–608A)

This amendment to final rule, FAR Case 2000–608, New Consolidated Form for Selection of Architect-Engineer Contractors, changes the effective date from January 12, 2004, to June 8, 2004. This final rule was published in FAC 2001–018 in the **Federal Register** at 68 FR 69227, December 11, 2003. This amendment also eliminates the reference to an applicability date. By changing the effective date, it allows the users of the SF 330 more time to prepare before the SF 330 is effective.

Item II—Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds (Interim) (FAR Case 2003–016)

This interim rule amends FAR parts 5, 12, 13, 14, 17, 19, 22, 25, and 52 to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress (Public Laws 108–77 and 108–78). These Free Trade Agreements are scheduled to go into effect January 1, 2004. Singapore is already a designated country under the Trade Agreements Act, but Chile was not previously a designated country. The threshold under these Free Trade Agreements for acquisition of end products and services is $58,550 and the threshold for construction contracts is $6,725,000. In acquisitions that exceed these thresholds and are subject to trade agreements, this rule allows the acquisition of end products or construction material from Chile or Singapore without application of the Buy American Act, and provides for certain procedures in the acquisition of services, unless the service is excluded from coverage by the trade agreement. The interim rule directs the contracting officer to determine the origin of a service by the country in which the firm providing the services is established. The interim rule also implements new dollar thresholds for application of trade agreements, as published by the U.S. Trade Representative in the **Federal Register** at 68 FR 70861, December 19, 2003. Contracting officers must review the new thresholds in order to select the appropriate clauses to implement the Buy American Act, trade agreements, and sanctions of European Union country end products and services.

Dated: December 30, 2003.

Laura Auletta,

Director, Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2001–19 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2001–19 are effective January 7, 2004, except for Item II, which is effective January 1, 2004.

Dated: December 30, 2003.

Richard K. Sylvester,

Acting Director, Defense Procurement and Acquisition Policy.

Dated: December 29, 2003.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: December 30, 2003.

Lynn W. Bailets,

Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 04–176 Filed 1–6–04; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 36, and 53

[FAC 2001–19; FAR Case 2000–608A Item I]

RIN 9000–AJ15

Federal Acquisition Regulation; New Consolidated Form for Selection of Architect-Engineer Contractors (Delay of Effective Date)

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule: delay of effective date.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to delay the effective date of FAR Case 2000–608, New Consolidated Form for Selection of Architect-Engineer Contractors, which was published in FAC 2001–018, in the

Federal Register at 68 FR 69227, December 11, 2003. The effective date is delayed from January 12, 2004, to June 8, 2004, and there is no longer any reference to the applicability date. Industry users have requested that the effective date be changed to allow them more time to prepare before the SF 330 is effective. This amendment changes the effective date and eliminates the applicability date.

DATES: *Effective Date:* Effective January 7, 2004, the effective date of FAR Case 2000–608, New Consolidated Form for Selection of Architect-Engineer Contractors, published in the **Federal Register** at 68 FR 69227, December 11, 2003, is delayed until June 8, 2004.

Applicability Date: The applicability date specified in the final rule published in the **Federal Register** at 68 FR 69227, December 11, 2003, is removed from this final rule.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Cecelia Davis, Procurement Analyst, at (202) 219–0202. Please cite FAC 2001–19, FAR Case 2000–608A.

SUPPLEMENTARY INFORMATION:

A. Background

An interagency ad hoc committee developed the SF 330.

It was based on the results of a joint Federal-industry survey of the existing Standard Forms (SFs) 254, Architect-Engineer and Related Services Questionnaire, and 255, Architect-Engineer and Related Services Questionnaire for Specific Project, conducted by the Standing Committee on Procurement and Contracting of the Federal Facilities Council (FCC) in 1995 and published in 1996 as FCC Report Number 130, entitled ''Survey on the Use of Standard Forms 254 and 255 for Architect-Engineer Qualifications.'' The survey's purpose was to evaluate the current use of the forms which are used for the submission of qualifications by architect-engineer (A–E) firms interested in Federal contracts, and to identify possible improvements which would enable the existing forms to better serve the needs of Federal agencies and the A–E industry. The SFs 254 and 255 have changed little since their introduction in 1975, although the variety of A–E services has greatly expanded and new technologies have dramatically changed the way A–E firms do business. The report states that Federal agencies and A–E industry overwhelmingly support a structured format for submitting A–E qualifications, because the structured format saves time and effort and allows efficient and consistent evaluations. It also recommends many specific changes to the existing forms to enhance their effectiveness and simplify their use. Both Federal and A–E industry practitioners believe that the forms need streamlining as well as updating to facilitate electronic usage. The objectives of the SF 330 are to merge the SFs 254 and 255 into a single streamlined form, expand essential information about qualifications and experience, reflect current architect-engineer disciplines, experience types and technology, eliminate information of marginal value, permit limitations on submission length, and facilitate electronic usage. A proposed FAR rule for a new Architect-Engineer Qualifications form was published in the **Federal Register** at 66 FR 53314, October 19, 2001. The final rule replaces SFs 254 and 255 with SF 330, and makes related FAR revisions in 1.106, 36.603, 36.702, 53.236–2, 53.301–254, 53.301–255, and 53.301–330. Use of the SF 330 becomes effective June 8, 2004. Agencies are to continue to use SFs 254 and 255 until the SF 330 is effective.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act analysis was completed and addressed in the final rule published in the **Federal Register** at 68 FR 69227, December 11, 2003.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies; however, this information was provided in the final rule published in the **Federal Register** at 68 FR 69227, December 11, 2003.

List of Subjects in 48 CFR Parts 1, 36, and 53

Government procurement.

Dated: December 30, 2003.

Laura Auletta,

Director, Acquisition Policy Division.

[FR Doc. 04–177 Filed 1–6–04; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 12, 13, 14, 17, 19, 22, 25, and 52

[FAC 2001–19; FAR Case 2003–016; Item II]

RIN 9000–AJ87

Federal Acquisition Regulation; Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress. These Free Trade Agreements are scheduled to go into effect January 1, 2004. The interim rule also implements new dollar thresholds for application of trade agreements, as published by the U.S. Trade Representative in the **Federal Register** at 68 FR 70861, December 19, 2003.

DATES: *Effective Date:* January 1, 2004.

Comment Date: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before March 8, 2004, to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to—General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to—*farcase.2003–016@gsa.gov.*

Please submit comments only and cite FAC 2001–19, FAR case 2003–016, in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat at (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Cecelia Davis, Procurement Analyst, at (202) 219–0202. Please cite FAC 2001–19, FAR case 2003–016.

SUPPLEMENTARY INFORMATION:

A. Background

This rule amends the FAR to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress (Pub. L. 108–77 and 108–78). The Free Trade Agreements with Chile and Singapore waive the applicability of the Buy American Act for some foreign supplies and construction materials from Chile and Singapore, and specify procurement procedures designed to ensure fairness, applicable to the acquisition of supplies and services (*see* the Government Procurement provisions at Chapters 9 and 13, respectively, of the trade agreements).

FAR 25.400(a)(3) has been revised to create the new concept of ''Free Trade Agreements,'' which includes the Chile Free Trade Agreement and the Singapore Free Trade Agreement, as well as the North American Free Trade Agreement (NAFTA). This list can be expanded as new Free Trade Agreements are negotiated. Likewise, definitions of ''Free Trade Agreement country'' and ''Free Trade Agreement country end product'' have replaced the definitions of ''NAFTA country'' and ''NAFTA country end product'' (25.003).

The interim rule modifies the term ''eligible product'' to include services, consistent with our trade agreements. Although services are not subject to the Buy American Act, the trade agreements require certain procedures in the acquisition of services, unless the service is excluded by the trade agreement (*see* FAR 25.401(b)). The interim rule directs the contracting officer to determine the origin of services by the country in which the firm providing the services is established (FAR 25.402(a)). This is an expansion of the concept formerly at FAR 25.405(c), which addressed only NAFTA country services. The purchase restriction under the Trade Agreements Act also applies to services (25.403(c)).

Section 106 of Public Law 108–77 and Section 106 of Public Law 108–78 provide for arbitration of certain claims. The United States is authorized to resolve any claim against the United States covered by the section of the applicable Free Trade Agreement relating to Investor-State Disputes Settlement, pursuant to the investor-state dispute settlement procedures set forth in the applicable section (section B of chapter 10 for Chile; section C of chapter 15 for Singapore). The Councils invite comment on appropriate implementation of this authorization. Sections 106 of the same public laws also require that after the new trade agreements become effective, contracts must specify the law that will apply to resolve any breach of contract claim. The statement that ''United States law will apply to resolve any claim of breach of contract'' has been included in each of the trade agreements clauses (FAR 52.225–3, 52.225–5, and 52.225–11), rather than creating a separate clause.

The threshold for applicability of the new Free Trade Agreements with Chile and Singapore is $58,550 for supplies and services, and $6,725,000 for construction contracts. Singapore was already a signatory to the Agreement on Government Procurement, and therefore already included as a designated country under the Trade Agreements Act (FAR 25.003), with thresholds of $175,000 for supplies or services and $6,725,000 for construction. This interim rule also amends FAR 22.1503, 25.202, 25.601, 25.1103, and 52.222–19, to implement the new dollar threshold for applications of the Trade Agreements Act and NAFTA. Because of the increasing number of trade agreements and thresholds, the interim rule provides a table of the various thresholds at 25.402(b).

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule opens up Government procurement to the products of Chile and lowers the trade agreements threshold for the products of Singapore, the Councils do not think there will be any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at DFARS 225.401–70, and acquisitions under $100,000 that are set aside for small businesses are exempt. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 5, 12, 13, 14, 17, 19, 22, 25, and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2001–19, FAR case 2003–016), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the interim rule affects the certification and information collection requirements in the provisions at FAR 52.212–3, 52.225–4, 52.225–6, and 52.225–11 currently approved under OMB clearances 9000–0130, 9000–0025, and 9000–0141, respectively. The impact, however, is negligible. In the certification provision FAR 52.225–4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate, and the commercial item equivalent at FAR 52.212–3(g)(1), the offeror must now list offers of end products from Chile or Singapore as FTA country end products, rather than as ''other foreign end products.'' In the certification provision at 52.225–6, Trade Agreements Certificate, and the commercial equivalent at 52.212–3(4), Singapore was already a designated country under the Trade Agreements Act, but offerors no longer need to list products of Chile as ''other end products.'' However, offerors of the Chilean end products would have been unlikely to submit offers, because purchase of foreign products other than eligible products is prohibited by the Trade Agreements Act. In the clause at 52.225–11, Buy American Act—Construction Materials under Trade Agreements, an offeror planning to use Chilean construction material would no longer need to request a determination of inapplicability of the Buy American Act, thus also removing the need to submit the supporting data specified in paragraph (d) of the clause.

D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than March 8, 2004, to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW., Room 4035, Washington, DC 20405.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection

techniques or other forms of information technology.

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVA), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0130, 9000–0025, and 9000–0141 in all correspondence.

E. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the Free Trade Agreements with Chile and Singapore, as approved by Congress (Pub. L. 108–77 and 108–78), are scheduled to go into effect January 1, 2004. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 5, 12, 13, 14, 17, 19, 22, 25, and 52

Government procurement.

Dated: December 30, 2003.

Laura Auletta,

Director, Acquisition Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 5, 12, 13, 14, 17, 19, 22, 25, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 5, 12, 13, 14, 17, 19, 22, 25, and 52 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 5—PUBLICIZING CONTRACT ACTIONS

5.203 [Amended]

■ 2. Amend section 5.203 in the first sentence of paragraph (h) by removing the words ''NAFTA or''; and adding ''or a Free Trade Agreement'' after the word ''Act''.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.205 [Amended]

■ 3. Amend section 12.205 in paragraph (c) by removing the words ''NAFTA or''; and adding ''or a Free Trade Agreement'' after the word ''Act''.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.302–5 [Amended]

■ 4. Amend section 13.302–5 in paragraph (d)(3)(i) by removing the words ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place.

PART 14—SEALED BIDDING

■ 5. Amend section 14.409–1 by revising paragraph (a)(2) introductory text to read as follows:

14.409–1 Award of unclassified contracts.

(a)(1) * * *

(2) For acquisitions subject to the Trade Agreements Act or a Free Trade Agreement (see 25.408(a)(5)), agencies must include in notices given unsuccessful bidders from designated or Free Trade Agreement countries—

* * * * *

PART 17—SPECIAL CONTRACTING METHODS

17.203 [Amended]

■ 6. Amend section 17.203 in paragraph (h) by removing the words ''North American''.

PART 19—SMALL BUSINESS PROGRAMS

19.1103 [Amended]

■ 7. Amend section 19.1103 in paragraph (a)(2) by removing ''25.403'' and adding ''Subpart 25.4'' in its place.

19.1307 [Amended]

■ 8. Amend section 19.1307 in paragraph (b)(3) by removing ''25.403'' and adding ''Subpart 25.4'' in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1503 [Amended]

■ 9. Amend section 22.1503 by—

■ a. Removing ''25.405'' from paragraph (b)(1) and adding ''Subpart 25.4'' in its place;

■ b. Removing ''$56,190 or more (see 25.405)'' from paragraph (b)(3) and adding ''$58,550 or more (see Subpart 25.4)'' in its place; and

■ c. Removing ''$169,000'' from paragraph (b)(4) and adding ''$175,000'' in its place.

PART 25—FOREIGN ACQUISITION

■ 10. Amend section 25.003 by—

■ a. Revising the definition ''Eligible product'';

■ b. Removing the definitions ''Mexican end product'', ''North American Free Trade Agreement country'', and ''North American Free Trade Agreement country end product''; and

■ c. Adding, in alphabetical order, the definitions ''Free Trade Agreement country'' and ''Free Trade Agreement country end product'' to read as follows:

25.003 Definitions.

* * * * *

Eligible product means a foreign end product or service that, due to applicability of a trade agreement to a particular acquisition, is not subject to discriminatory treatment.

* * * * *

Free Trade Agreement country means Canada, Chile, Mexico, or Singapore.

Free Trade Agreement country end product means an article that—

(1) Is wholly the growth, product, or manufacture of a Free Trade Agreement (FTA) country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in an FTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product, includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

* * * * *

■ 11. Amend section 25.202 by revising paragraph (c) to read as follows:

25.202 Exceptions.

* * * * *

(c) *Acquisitions under trade agreements.* For construction contracts with an estimated acquisition value of $6,725,000 or more, see Subpart 25.4.

25.204 [Amended]

■ 12. Amend section 25.204 in paragraph (a) by removing ''NAFTA'' and adding ''Free Trade Agreement'' in its place.

■ 13. Amend section 25.400 by revising paragraph (a)(3) to read as follows:

25.400 Scope of subpart.

(a) * * *

(3) Free Trade Agreements (FTAs), consisting of—

(i) NAFTA (the North American Free Trade Agreement, as approved by Congress in the North American Free Trade Agreement Implementation Act of 1993 (19 U.S.C. 3301 *note*));

(ii) Chile FTA (the United States-Chile Free Trade Agreement, as approved by Congress in the United States-Chile Free

Trade Agreement Implementation Act (Pub. L. 108–77)); and

(iii) Singapore FTA (the United States-Singapore Free Trade Agreement, as approved by Congress in the United States-Singapore Free Trade Agreement Implementation Act (Pub. L. 108–78));

* * * * *

■ 14. Revise section 25.401 to read as follows:

25.401 Exceptions.

(a) This subpart does not apply to—

(1) Acquisitions set aside for small businesses;

(2) Acquisitions of arms, ammunition, or war materials, or purchases indispensable for national security or for national defense purposes, including all services purchased in support of military forces located overseas;

(3) Acquisitions of end products for resale;

(4) Acquisitions under Subpart 8.6, Acquisition from Federal Prison Industries, Inc., and Subpart 8.7, Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled; and

(5) Other acquisitions not using full and open competition, if authorized by Subpart 6.2 or 6.3, when the limitation of competition would preclude use of the procedures of this subpart (but see 6.303–1(d)); or sole source acquisitions justified in accordance with 13.501(a).

(b) Acquisitions of the following services are excluded from coverage of the trade agreements indicated in parentheses. Federal Service Codes from the Federal Procurement Data System Product/Service Code Manual may also be indicated in parentheses for some services:

(1) Automatic data processing (ADP) telecommunications and transmission services (D304), except enhanced (*i.e.*, value-added) telecommunications services (Trade Agreements Act (TAA), all FTAs).

(2) ADP teleprocessing and timesharing services (D305), telecommunications network management services (D316), automated news services, data services or other information services (D317), and other ADP and telecommunications services (D399) (Chile FTA, NAFTA).

(3) Basic telecommunications network services, *i.e.*, voice telephone services, packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services. This exclusion does not include information services, as defined in 47 U.S.C. 153(20) (Singapore FTA).

(4) Dredging (TAA, all FTAs).

(5) Operation and management contracts of certain Government or privately owned facilities used for Government purposes, including Federally Funded Research and Development Centers (TAA, Singapore FTA).

(6) Operation of all Department of Defense, Department of Energy, or the National Aeronautics and Space Administration facilities; and all Government-owned research and development facilities or Government-owned environmental laboratories (Chile FTA and NAFTA).

(7) Maintenance, repair, modification, rebuilding and installation of equipment related to ships (Chile FTA and NAFTA).

(8) Nonnuclear ship repair (Chile FTA and NAFTA).

(9) Research and development (TAA, all FTAs).

(10) Transportation services (including launching services, but not including travel agent services) (TAA, all FTAs).

(11) Utility services (TAA, all FTAs).

■ 15. Revise section 25.402 to read as follows:

25.402 General.

(a) The trade agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from certain countries. The Trade Agreements Act and FTAs specify procurement procedures designed to ensure fairness. When the restrictions of the Buy American Act are waived for eligible products, offers of those products (eligible offers) receive equal consideration with domestic offers. Under the Trade Agreements Act, only U.S.-made end products or U.S. services or eligible products, including services, may be acquired (also see 25.403(c)). The contracting officer shall determine the origin of services by the country in which the firm providing the services is established. See Subpart 25.5 for evaluation procedures for supply contracts subject to trade agreements.

(b) The value of the acquisition is a determining factor in the applicability of trade agreements. Most of these dollar thresholds are subject to revision by the U.S. Trade Representative approximately every 2 years. The various thresholds are summarized as follows:

Trade agreement	Supply contract (equal to or exceeding)	Service contract (equal to or exceeding)	Construction contract (equal to or exceeding)
TAA/CBTI*	$175,000	$175,000	$6,725,000
FTAs			
NAFTA—Canada	25,000	25,000	7,611,532
—Mexico	58,550	58,550	7,611,532
Chile FTA	58,550	58,550	6,725,000
Singapore FTA	58,550	58,550	6,725,000
Israeli Trade Act	50,000	.....	.....

* TAA/CBTI=Trade Agreements Act/Caribbean Basin Trade Initiative.

■ 16. Amend section 25.403 by—

■ a. Revising paragraph (a);

■ b. Removing paragraph (b)(1) and redesignating paragraphs (b)(2) through (b)(4) as (b)(1) through (b)(3); and

■ c. Revising paragraph (c) to read as follows:

25.403 Trade Agreements Act.

(a) *General.* The Trade Agreements Act—

(1) Authorizes waiver of application of the Buy American Act to the end products and construction materials of designated countries;

(2) Prohibits discriminatory practices based on foreign ownership;

(3) Requires certain procurement procedures designed to ensure fairness (see 25.408).

* * * * *

(c) *Purchase restriction.* (1) In acquisitions subject to the Trade Agreements Act, acquire only U.S.-made end products or U.S. services, or eligible products (designated, Caribbean Basin, or FTA country end products or services) unless offers for such end products or services are either not received or are insufficient to fulfill the requirements.

(2) This restriction does not apply to purchases of supplies by the Department of Defense from a country with which it has entered into a reciprocal agreement, as provided in departmental regulations.

25.404 [Amended]

■ 17. Amend section 25.404 by adding the words ''and services'' after the words ''end products''.

■ 18. In section 25.405, revise the section heading and text to read as follows:

25.405 Free Trade Agreements (FTAs).

(a) *General.* Eligible products from FTA countries are entitled to the same nondiscriminatory treatment specified under the Trade Agreements Act (see 25.403(a)).

(b) The FTAs do not prohibit the purchase of other foreign end products or services.

25.406 [Amended]

■ 19. Amend section 25.406 by removing ''25.403(b)(1)'' from the first sentence and adding ''Subpart 25.4'' in its place.

25.408 [Amended]

■ 20. Amend section 25.408 by—

■ a. Removing ''NAFTA'' from the introductory text of paragraph (a) and adding ''an FTA'' in its place;

■ b. Removing ''(5.207(e)) for contracts that are subject to the Trade Agreements Act'' from paragraph (a)(2); and

■ c. Removing ''NAFTA'' from paragraph (a)(5) and adding ''FTA'' in its place.

25.502 [Amended]

■ 21. Amend section 25.502 by—

■ a. Removing ''25.401 and 25.403(b)'' from the introductory text of paragraph (b) and adding ''Subpart 25.4'' in its place;

■ b. Removing ''NAFTA'' from paragraphs (b)(1) and (b)(3) and adding ''FTA'' in its place; and

■ c. Removing ''NAFTA'' from paragraph (c) introductory text and (c)(1) and adding ''an FTA'' in its place.

25.504–2 Trade Agreements Act/Caribbean Basin Trade Initiative/FTAs.

■ 22. Revise the section heading of 25.504–2 to read as set forth above.

25.504–3 FTA/Israeli Trade Act.

■ 23. Revise the section heading of 25.504–3 to read as set forth above.

25.601 [Amended]

■ 24. Amend section 25.601 by—

■ a. Removing ''$169,000'' from paragraph (a)(1) and adding ''$175,000'' in its place;

■ b. Removing ''$6,481,000'' from paragraph (a)(2) and adding ''$6,725,000'' in its place;

■ c. Removing ''$169,000'' from paragraph (a)(3)(ii) and adding ''$175,000'' in its place; and

■ d. Removing ''25.403(b)'' from paragraph (b) and adding ''Subpart 25.4'' in its place.

25.1002 [Amended]

■ 25. Amend section 25.1002 in the first sentence of paragraph (a) by removing ''25.408(a)(3)'' and adding ''25.408(a)(4)'' in its place.

■ 26. Amend section 25.1101 by—

■ a. Removing ''North American Free Trade Agreement'' from the introductory text of paragraph (b)(1)(i) and adding ''Free Trade Agreements'' in its place;

■ b. Removing ''$169,000'' from paragraph (b)(1)(i)(A) and adding ''$175,000'' in its place;

■ c. Removing ''$56,190'' from paragraph (b)(1)(iii) and adding ''$58,550'' in its place;

■ d. Removing ''North American Free Trade Agreement'' from paragraph (b)(2)(i) and adding ''Free Trade Agreements'' in its place; and removing ''$56,190'' from paragraph (b)(2)(iii) and adding ''$58,550'' in its place;

■ e. Removing ''$169,000'' and ''25.401 and 25.403'' from the first sentence of paragraph (c)(1) and adding ''$175,000'' and ''Subpart 25.4'' in their place, respectively; and

■ f. Removing ''$169,000'' from paragraph (d) and adding ''$175,000'' in its place.

■ 27. Amend section 25.1102 by—

■ a. Removing ''$6,481,000'' from paragraph (a) and the introductory text of paragraph (c) and adding ''$6,725,000'' in its place;

■ b. Removing ''NAFTA'' from paragraph (c)(1) and adding ''FTA'' in its place; and

■ c. Revising paragraphs (c)(3) and (d)(3) to read as follows:

25.1102 Acquisition of construction.

* * * * *

(c) * * *

(3) For acquisitions valued at $6,725,000 or more, but less than $7,611,532, use the clause with its Alternate I. List in paragraph (b)(3) of the clause all foreign construction material excepted from the requirements of the Buy American Act, other than designated country or Chilean construction material.

(d) * * *

(3) For acquisitions valued at $6,725,000 or more, but less than $7,611,532, use the clause with its Alternate II.

25.1103 [Amended]

■ 28. Amend section 25.1103 in paragraph (c) by removing ''$169,000'' from paragraphs (c)(1)(i) and (c)(1)(ii)(B) and adding ''$175,000'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES 52.212–3 [Amended]

■ 29. Amend section 52.212–3 by—

■ a. Revising the date of the provision to read ''(Jan 2004)'';

■ b. Removing ''North American Free Trade Agreement'' from paragraphs (g)(1) (twice) and (g)(1)(i) and adding ''Free Trade Agreements'' in its place;

■ c. Removing ''NAFTA'' from paragraph (g)(1)(ii) and adding ''FTA'' in its place, removing ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place, and removing ''NAFTA'' from the table heading and adding ''FTA'' in its place;

■ d. Removing ''North American Free Trade Agreement'' from paragraph (g)(1)(iii) and adding ''Free Trade Agreements'' in its place;

■ e. Removing from paragraph (g)(2) ''North American'', removing ''May 2002'' and adding ''Jan 2004'' in its place, and removing ''North American Free Trade Agreement'' from paragraph (g)(1)(ii) and adding ''Free Trade Agreements'' in its place;

■ f. Removing from paragraph (g)(3) ''North American'', removing ''May 2002'' and adding ''Jan 2004'' in its place, and removing from paragraph (g)(1)(ii) ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place; and

■ g. Removing ''NAFTA'' from paragraphs (g)(4)(i), (g)(4)(ii), and (g)(4)(iii) (twice) and adding ''FTA'' in its place.

■ 30. Amend section 52.212–5 by revising the date of the clause and paragraphs (b)(14), (b)(22), and (b)(23) to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Jan 2004)

* * * * *

(b) * * *

__(14) 52.222–19, Child Labor—Cooperation with Authorities and Remedies (Jan 2004) (E.O. 13126).

* * * * *

__(22)(i) 52.225–3, Buy American Act—Free Trade Agreements—Israeli Trade Act (Jan 2004) (41 U.S.C. 10a–10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, Pub. L. 108–77, 108–78).

__(ii) Alternate I (Jan 2004) of 52.225–3.

__(iii) Alternate II (Jan 2004) of 52.225–3.

__(23) 52.225–5, Trade Agreements (Jan 2004) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).

* * * * *

52.213–4 [Amended]

■ 31. Amend section 52.213–4 by revising the date of the clause to read ''(Jan 2004)'', and by removing ''(Sept 2002)'' from paragraph (b)(1)(i) of the clause and adding ''(Jan 2004)'' in its place.

52.222–19 [Amended]

■ 32. Amend section 52.222–19 by revising the date of the clause to read ''(Jan 2004)''; removing ''$56,190'' from paragraph (a)(3) and adding ''$58,550'' in its place; and removing ''$169,000'' from paragraph (a)(4) and adding ''$175,000'' in its place.

■ 33. Amend section 52.225–3 by—

■ a. Revising the section and clause headings;

■ b. Removing the definitions ''North American Free Trade Agreement country'' and ''North American Free Trade Agreement country end product'' from paragraph (a); and adding, in alphabetical order, the definitions ''Free Trade Agreement country'' and ''Free Trade Agreement country end product'';

■ c. Removing paragraph (c) and redesignating paragraph (d) as (c) and revising it;

■ d. Adding paragraph (d);

■ e. Revising the introductory text of Alternate I; redesignating paragraph (d) of Alternate I as paragraph (c) and removing ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place; and

■ f. Revising the introductory text of Alternate II; redesignating paragraph (d) of Alternate II as paragraph (c) and removing ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place. The revised and added text reads as follows:

52.225–3 Buy American Act—Free Trade Agreements—Israeli Trade Act.

* * * * *

Buy American Act—Free Trade Agreements—Israeli Trade Act (Jan 2004)

* * * * *

(a) * * *

Free Trade Agreement country means Canada, Chile, Mexico, or Singapore.

Free Trade Agreement country end product means an article that—

(1) Is wholly the growth, product, or manufacture of a Free Trade Agreement (FTA) country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in an FTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

* * * * *

(c) *Delivery of end products.* The Contracting Officer has determined that FTAs and the Israeli Trade Act apply to this acquisition. Unless otherwise specified, these trade agreements apply to all items in the Schedule. The Contractor shall deliver under this contract only domestic end products except to the extent that, in its offer, it specified delivery of foreign end products in the provision entitled ''Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate.'' If the Contractor specified in its offer that the Contractor would supply an FTA country end product or an Israeli end product, then the Contractor shall supply an FTA country end product, an Israeli end product or, at the Contractor's option, a domestic end product.

(d) United States law will apply to resolve any claim of breach of this contract.

(End of clause)

Alternate I (Jan 2004). As prescribed in 25.1101(b)(1)(ii), add the following definition to paragraph (a) of the basic clause, and substitute the following paragraph (c) for paragraph (c) of the basic clause:

* * * * *

Alternate II (Jan 2004). As prescribed in 25.1101(b)(1)(iii), add the following definition to paragraph (a) of the basic clause, and substitute the following paragraph (c) for paragraph (c) of the basic clause:

* * * * *

■ 34. Amend section 52.225–4 by—

■ a. Revising the section and clause headings;

■ b. Removing ''North American Free Trade Agreement'' from paragraph (a) and adding ''Free Trade Agreements'' in its place;

■ c. Removing ''NAFTA'' from paragraph (b) and adding ''FTA'' in its place, removing ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place, and removing ''NAFTA'' from the table heading and adding ''FTA'' in its place;

■ d. Removing ''North American Free Trade Agreement'' from paragraph (c) and adding ''Free Trade Agreements'' in its place;

■ e. Removing from the introductory text of Alternate I ''May 2002'' and adding ''Jan 2004'' in its place, and removing from paragraph (b) ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place; and

■ f. Removing from the introductory text of Alternate II ''May 2002'' and adding ''Jan 2004'' in its place, and removing from paragraph (b) ''North American Free Trade Agreement'' and adding ''Free Trade Agreements'' in its place.

The revised text reads as follows:

52.225–4 Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate

* * * * *

Buy American Act—Free Trade Agreement—Israeli Trade Act Certificate (Jan 2004)

* * * * *

■ 35. Amend section 52.225–5 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a) the definitions ''North American Free Trade Agreement country'' and ''North American Free Trade Agreement country end product''; and adding, in alphabetical order, the definitions ''Free Trade Agreement country'' and ''Free Trade Agreement country end product''

■ c. Removing paragraph (b);

■ d. Redesignating paragraph (c) as paragraph (b);

■ e. Amending the newly designated paragraph (b), in the first sentence by removing ''NAFTA'' and adding ''FTAs'' in its place, and in the last sentence removing ''NAFTA'' and adding ''FTA'' in its place; and

■ f. Adding a new paragraph (c) to read as follows:

52.225–5 Trade Agreements.

* * * * *

Trade Agreements (Jan 2004)

(a) *Definitions.* * * *

* * * * *

Free Trade Agreement country means Canada, Chile, Mexico, or Singapore.

Free Trade Agreement country end product means an article that—

(1) Is wholly the growth, product, or manufacture of a Free Trade Agreement (FTA) country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in an FTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

* * * * *

(c) United States law will apply to resolve any claim of breach of this contract.

(End of clause)

52.225–6 [Amended]

■ 36. Amend section 52.225–6 by revising the date of the provision to read ''Jan 2004'', and in paragraphs (a), (b), and (c) (twice) by removing ''NAFTA'' and adding ''FTA'' in its place.

■ 37. Amend section 52.225–11 by—

■ a. Revising the date of the clause;
■ b. Removing from paragraph (a) the definitions ''North American Free Trade Agreement country'' and ''North American Free Trade Agreement country construction material'' and adding, in alphabetical order, the definitions ''Free Trade Agreement country'' and ''Free Trade Agreement country construction material''
■ c. Revising paragraph (b)(1);
■ d. Amending paragraph (b)(2) by removing ''NAFTA'' and adding ''FTA'' in its place;
■ e. Adding a new paragraph (e); and
■ f. Revising Alternate I to read as follows:

52.225–11 Buy American Act—Construction Materials Under Trade Agreements.

* * * * *

Buy American Act—Construction Materials Under Trade Agreements (Jan 2004)

(a) *Definitions.** * *

* * * * *

Free Trade Agreement country means Canada, Chile, Mexico, or Singapore.

Free Trade Agreement country construction material means a construction material that—

(1) Is wholly the growth, product, or manufacture of a Free Trade Agreement (FTA) country; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a FTA country into a new and different construction material distinct from the materials from which it was transformed.

* * * * *

(b) *Construction materials.* (1) This clause implements the Buy American Act (41 U.S.C. 10a–10d) by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act and Free Trade Agreements (FTAs) apply to this acquisition. Therefore, the Buy American Act restrictions are waived for designated country and FTA country construction materials.

* * * * *

(e) United States law will apply to resolve any claim of breach of this contract.

(End of clause)

Alternate I (Jan 2004). As prescribed in 25.1102(c)(3), delete the definitions of ''Free Trade Agreement country'' and ''Free Trade Agreement country construction material'' from the definitions in paragraph (a) of the basic clause, add the following definition of ''Chilean construction material'' to paragraph (a) of the basic clause, and substitute the following paragraphs (b)(1) and (b)(2) for paragraphs (b)(1) and (b)(2) of the basic clause:

Chilean construction material means a construction material that—

(1) Is wholly the growth, product, or manufacture of Chile; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Chile into a new and different construction material distinct from the materials from which it was transformed.

(b) *Construction materials.* (1) This clause implements the Buy American Act (41 U.S.C. 10a–10d) by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act, the Chile Free Trade Agreement, and the Singapore Free Trade Agreement apply to this acquisition. Therefore, the Buy American Act restrictions are waived for designated country and Chilean construction materials.

(2) The Contractor shall use only domestic, designated country, or Chilean construction material in performing this contract, except as provided in paragraphs (b)(3) and (b)(4) of this clause.

■ 38. Amend section 52.225–12 by—
■ a. Revising the date of the provision;
■ b. Removing ''NAFTA'' from paragraphs (a), (d)(1) (twice), and (d)(3) (twice) and adding ''FTA'' in its place; and
■ c. Revising the date, paragraphs (a), (d)(1), and the introductory text of (d)(3) of Alternate II to read as follows:

52.225–12 Notice of Buy American Requirement—Construction Materials Under Trade Agreements.

* * * * *

Notice of Buy American Requirement—Construction Materials Under Trade Agreements (Jan 2004)

* * * * *

(End of provision)

*Alternate II (Jan 2004).** * *

(a) Definitions. *Chilean construction material, construction material, designated country construction material, domestic construction material*, and *foreign construction material*, as used in this provision, are defined in the clause of this solicitation entitled ''Buy American Act—Construction Materials Under Trade Agreements'' (Federal Acquisition Regulation (FAR) clause 52.225–11).

(d) *Alternate offers.* (1) When an offer includes foreign construction material, other than designated country or Chilean construction material, that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause 52.225–11, the offeror also may submit an alternate offer based on use of equivalent domestic, designated country, or Chilean construction material.

* * * * *

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause 52.225–11 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic, designated country, or Chilean construction material, and the offeror shall be required to furnish such domestic, designated country, or Chilean construction material. An offer based on use of the foreign construction material for which an exception was requested—

* * * * *

[FR Doc. 04–178 Filed 1–6–04; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2001–19 which amend the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2001–19, which precedes this document. These documents are also available via the Internet at *http://www.arnet.gov/far*.

FOR FURTHER INFORMATION CONTACT: Laurie Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 2001–19

Item	Subject	FAR case	Analyst
I	New Consolidated Form for Selection of Architect-Engineer Contractors	2000–608A	Davis.

LIST OF RULES IN FAC 2001–19—Continued

Item	Subject	FAR case	Analyst
II	Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds (Interim)	2003–016	Davis.

Item I—New Consolidated Form for Selection of Architect-Engineer Contractors (FAR Case 2000–608A)

This amendment to final rule, FAR Case 2000–608, New Consolidated Form for Selection of Architect-Engineer Contractors, changes the effective date from January 12, 2004, to June 8, 2004. This final rule was published in FAC 2001–018 in the **Federal Register** at 68 FR 69227, December 11, 2003. This amendment also eliminates the reference to an applicability date. By changing the effective date, it allows the users of the SF 330 more time to prepare before the SF 330 is effective.

Item II—Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds (Interim) (FAR Case 2003–016)

This interim rule amends FAR parts 5, 12, 13, 14, 17, 19, 22, 25, and 52 to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress (Pub. L. 108–77 and 108–78). These Free Trade Agreements are scheduled to go into effect January 1, 2004. Singapore is already a designated country under the Trade Agreements Act, but Chile was not previously a designated country. The threshold under these Free Trade Agreements for acquisition of end products and services is $58,550 and the threshold for construction contracts is $6,725,000. In acquisitions that exceed these thresholds and are subject to trade agreements, this rule allows the acquisition of end products or construction material from Chile or Singapore without application of the Buy American Act, and provides for certain procedures in the acquisition of services, unless the service is excluded from coverage by the trade agreement. The interim rule directs the contracting officer to determine the origin of a service by the country in which the firm providing the services is established. The interim rule also implements new dollar thresholds for application of trade agreements, as published by the U.S. Trade Representative in the **Federal Register** at 68 FR 70861, December 19, 2003. Contracting officers must review the new thresholds in order to select the appropriate clauses to implement the Buy American Act, trade agreements, and sanctions of European Union country end products and services.

Dated: December 30, 2003.

Laura Auletta,

Director, Acquisition Policy Division.

[FR Doc. 04–179 Filed 1–6–04; 8:45 am]

BILLING CODE 6820–EP–P

Federal Register

Wednesday,
January 7, 2004

Part VI

Office of Management and Budget

Department of Veterans Affairs

38 CFR Part 17

Cost-Based and Interagency Billing Rates for Medical Care or Services Provided by the Department of Veterans Affairs; Charges Used for Recovery From Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans Affairs; Final Rule and Notices

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AL48

Charges Used for Recovery From Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans Affairs

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) medical regulations with respect to charges used for the purpose of recovering from tortiously liable third parties the reasonable value of medical care and services provided by VA. The effect of this action is to amend VA's medical regulations to conform with the decision of the Director of the Office of Management and Budget regarding the charges that are to be used for this purpose.

DATES: *Effective Date:* These amendments are effective January 7, 2004.

FOR FURTHER INFORMATION CONTACT: David Cleaver, Chief Business Office (168), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 254–0361. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This document amends VA's medical regulations that are set forth at 38 CFR part 17. More specifically, we are amending the regulations with respect to charges used for the purpose of recovering from tortiously liable third parties the reasonable value of medical care and services provided by VA.

We are amending these regulations to reflect the decision of the Director of the Office of Management and Budget (OMB) to adopt the charges determined in accordance with the provisions of 38 CFR 17.101 for the purpose of recovering from tortiously liable third parties the reasonable value of medical care and services provided by VA under circumstances subject to the Federal Medical Care Recovery Act (FMCRA), 42 U.S.C. 2651–2653. Previously, the regulations stated that the rates generated by the methodology at 38 CFR 17.102(h) would be used for this purpose. Consistent with the OMB Director's decision, we are deleting that statement from § 17.102(h), and adding a note at the end of § 17.101 to indicate that OMB is prescribing the charges determined in accordance with that section for use for this purpose. Finally, we are adding a statement to § 17.102(h) indicating that either VA or OMB will publish in the **Federal Register** the rates generated by the methodology of that section for the purposes described therein.

There are two basic reasons for this change. First, VA's community-based ''reasonable charges'' more accurately reflect the reasonable value of the medical care and treatment furnished by VA to the injured person, consistent with 42 U.S.C. 2651 and 2652, than do VA's cost-based *per-diem* tort rates.

Second, VA's present dual-rate billing system (tort feasor and health plan), using significantly different charges, is confusing and difficult to justify. VA claims, for example, may be made both against the tort feasor who caused the injury, using the current FMCRA *per-diem* rates, and against the veteran's health plan, using the significantly higher reasonable charges, for the same VA medical care. This not only is confusing to VA billing officials and makes settling claims more difficult, but such dual billing also may disadvantage veterans by providing a *per-diem* rate bill to assert against the tort feasor while exposing veterans to subrogation claims from their health plans who paid at the higher reasonable charges rates. Making the charges billed to all liable parties in FMCRA cases uniform will eliminate confusion and remove an impediment to allowing injured veterans to assert the higher reasonable charges rates for their causally related health care as a necessary and proper element of damages in their cases against the responsible tort feasors.

This change has been agreed to by (1) the Department of Justice, which has jurisdiction over VA tort cases under the Federal Medical Care Recovery Act; (2) the Office of Management and Budget, which has the authority to prescribe the charges used for this purpose; and (3) the Department of Veterans Affairs.

Administrative Procedure Act

Since the changes made in this regulatory amendment are informational or technical revisions conforming to the OMB decision described above, we have concluded that good cause exists for dispensing with the prior notice and comment and delayed effective date provisions of 5 U.S.C. 553. Under these circumstances, such procedures would be impracticable, unnecessary, and contrary to the public interest.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any given year. This rule would have no such effect on State, local, or tribal governments, or the private sector.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This amendment would directly affect only individual tort feasors. Accordingly, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers for the programs affected by this rule are 64.005, 64.007, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, and 64.025.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: September 17, 2003.

Anthony J. Principi,

Secretary of Veterans Affairs.

■ For the reasons set out in the preamble, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

■ 2. Section 17.101 is amended by adding a Note immediately preceding the information collection parenthetical to read as follows:

§ 17.101 Collection or recovery by VA for medical care or services provided or furnished to a veteran for a nonservice-connected disability.

* * * * *

Note to § 17.101: The charges generated by the methodology set forth in this section are the same charges prescribed by the Office of Management and Budget for use under the Federal Medical Care Recovery Act, 42 U.S.C. 2651–2653.

* * * * *

§ 17.102 [Amended]

■ 3. In § 17.102, paragraph (h), the last sentence is amended by removing ''are the same rates prescribed by the Office of Management and Budget and published in the **Federal Register** for use under the Federal Medical Care Recovery Act, 42 U.S.C. sections 2651–2653'' and adding, in its place, ''will be published by either VA or OMB in the 'Notices' section of the **Federal Register.**''

[FR Doc. 04–319 Filed 1–6–04; 8:45 am]

BILLING CODE 8320–01–P

OFFICE OF MANAGEMENT AND BUDGET

Charges to Tortiously Liable Third Parties for Hospital, Medical, Surgical, and Dental Care and Treatment Furnished by the United States (Department of Veterans Affairs)

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notification of charges to tortiously liable third parties for hospital, medical, surgical, and dental care and treatment furnished by the Department of Veterans Affairs.

SUMMARY: By virtue of the authority vested in the President by section 2(a) of the Federal Medical Care Recovery Act, Public Law 87–693 (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the charges to tortiously liable third parties for hospital, medical, surgical, and dental care and treatment (including prostheses and medical appliances) furnished by the Department of Veterans Affairs are the ''reasonable charges'' generated by the methodology set forth in 38 CFR 17.101 and published from time to time in the **Federal Register**, most recently on April 29, 2003 (68 FR 22774). These charges are for use in connection with the recovery from tortiously liable third persons of the reasonable value of hospital, medical, surgical, and dental care and treatment furnished by the United States through the Department of Veterans Affairs (28 CFR 43.1–43.4). These charges have been established in accordance with the requirements of OMB Circular A–25, which requires charges that are at least as great as the full cost of the services provided

There are two basic reasons for this change. First, VA's community-based ''reasonable charges'' more accurately reflect the reasonable value of the medical care and treatment furnished by VA to the injured person, consistent with 42 U.S.C. 2651 and 2652, than do VA's cost-based *per-diem* tort rates.

Second, VA's present dual-rate billing system (tort feasor and health plan), using significantly different charges, is confusing and difficult to justify. VA claims, for example, may be made both against the tort feasor who caused the injury, using the current FMCRA *per-diem* rates, and against the veteran's health plan, using the significantly higher reasonable charges, for the same VA medical care. This not only is confusing to VA billing officials and makes settling claims more difficult, but such dual billing also may disadvantage veterans by providing a *per-diem* rate bill to assert against the tort feasor while exposing veterans to subrogation claims from their health plans who paid at the higher reasonable charges rates. Making the charges billed to all liable parties in FMCRA cases uniform will eliminate confusion and remove an impediment to allowing injured veterans to assert the higher reasonable charges rates for their causally related health care as a necessary and proper element of damages in their cases against the responsible tort feasors.

Beginning on January 7, 2004, the charges prescribed herein supercede those established by the Director of the Office of Management and Budget for the Department of Veterans Affairs on November 1, 1999 (64 FR 58862).

Joshua B. Bolten,

Director.

[FR Doc. 04–317 Filed 1–6–04; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF VETERANS AFFAIRS

Cost-Based and Interagency Billing Rates for Medical Care or Services Provided by the Department of Veterans Affairs

AGENCIES: Office of Management and Budget, Executive Office of the President and the Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This document provides cost-based and interagency billing rates for medical care or services provided by the Department of Veterans Affairs (VA):

(a) In error or on tentative eligibility;

(b) In a medical emergency;

(c) To pensioners of allied nations;

(d) For research purposes in circumstances under which VA medical care appropriation is to be reimbursed by VA research appropriation; and

(e) To beneficiaries of the Department of Defense or other Federal agencies, when the care or service provided is not covered by an applicable sharing agreement.

In addition, until such time as charges for outpatient dental care and prescription drugs are implemented under the provisions of 38 CFR 17.101, the applicable cost-based billing rates provided in this notice will be used for collection or recovery by VA for outpatient dental care and prescription drugs provided under circumstances covered by that section. This notice is issued jointly by the Office of Management and Budget and the Department of Veterans Affairs.

EFFECTIVE DATE: The rates set forth herein are effective January 7, 2004, and until further notice.

FOR FURTHER INFORMATION CONTACT: David Cleaver, Chief Business Office (168), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 254–0361. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: VA's medical regulations at 38 CFR 17.102(h) set forth a methodology for computing rates for medical care or services provided by VA:

(a) In error or on tentative eligibility;

(b) In a medical emergency;

(c) To pensioners of allied nations;

(d) For research purposes in circumstances under which VA medical care appropriation is to be reimbursed by VA research appropriation; and

(e) To beneficiaries of the Department of Defense or other Federal agencies, when the care or service provided is not covered by an applicable sharing agreement.

Two sets of rates are obtained via application of this methodology: Cost-Based Rates, for use for purposes (a) through (d), above, and Interagency Rates, for use for purpose (e), above. Government employee retirement benefits and return on fixed assets are not included in the Interagency Rates, and the Interagency Rates are not broken down into three components (Physician; Ancillary; and Nursing, Room, and Board), but in all other respects the Interagency Rates are the same as the Cost-Based Rates.

When medical care or service is obtained at the expense of the Department of Veterans Affairs from a non-VA source under circumstances in which the Cost-Based or Interagency Rates would apply if the care or service had been provided by VA, then the charge for such care or service will be the actual amount paid by VA for that care or service.

Inpatient charges will be at the per diem rates shown for the type of bed section or discrete treatment unit providing the care. Prescription Filled charge in lieu of the Outpatient Visit rate will be charged when the patient receives no service other than the Pharmacy outpatient service. This charge applies whether the patient receives the prescription in person or by mail.

Current rates obtained via the above methodology are as follows:

	Cost-based rates	Interagency rates
A. Hospital Care, Rates Per Inpatient Day		
General Medicine:		
All Inclusive Rate	$1,815	$1,668
Physician	217	.....
Ancillary	473	.....
Nursing, Room, and Board	1,125	.....
Neurology:		
All Inclusive Rate	2,289	2,098
Physician	335	.....
Ancillary	604	.....
Nursing, Room, and Board	1,350	.....
Rehabilitation Medicine:		
All Inclusive Rate	1,723	1,574
Physician	196	.....
Ancillary	526	.....
Nursing, Room, and Board	1,001	.....
Blind Rehabilitation:		
All Inclusive Rate	1,254	1,162
Physician	101	.....
Ancillary	623	.....
Nursing, Room, and Board	530	.....
Spinal Cord Injury:		
All Inclusive Rate	1,237	1,136
Physician	153	.....
Ancillary	311	.....
Nursing, Room, and Board	773	.....
Surgery:		
All Inclusive Rate	3,513	3,255
Physician	387	.....
Ancillary	1,065	.....
Nursing, Room, and Board	2,061	.....
General Psychiatry:		
All Inclusive Rate	971	888
Physician	92	.....
Ancillary	153	.....
Nursing, Room, and Board	726	.....
Substance Abuse (Alcohol and Drug Treatment):		
All Inclusive Rate	1,206	1,106
Physician	115	.....
Ancillary	279	.....
Nursing, Room, and Board	812	.....
Psychosocial Residential Rehabilitation Treatment Programs:		
All Inclusive Rate	276	252
Physician	17	.....
Ancillary	29	.....
Nursing, Room, and Board	230	.....
Intermediate Medicine:		
All Inclusive Rate	801	733
Physician	39	.....
Ancillary	118	.....
Nursing, Room, and Board	644	.....
B. Nursing Home Care, Rates Per Day		
All Inclusive Rate	451	411
Physician	14	.....
Ancillary	61	.....
Nursing, Room, and Board	376	.....
C. Outpatient Medical and Dental Treatment		
Outpatient Visit (other than Emergency Dental)	300	282
Emergency Dental Outpatient Visit	185	167
D. Prescription Filled, Per Prescription	45	45

Beginning on the effective date indicated herein, these rates supercede those established for the Department of Veterans Affairs by the Director of the Office of Management and Budget on November 1, 1999 (64 FR 58862).

Approved: September 17, 2003.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

Approved: December 30, 2003.

Joshua B. Bolten,

Director, Office of Management and Budget.

[FR Doc. 04–318 Filed 1–6–04; 8:45 am]

BILLING CODE 3110–01–P

Federal Register

Wednesday,
January 7, 2004

Part VII

Department of Education

Smaller Learning Communities Program; Notice

DEPARTMENT OF EDUCATION

RIN 1830 ZA04

Smaller Learning Communities Program

AGENCY: Office of Vocational and Adult Education, Department of Education.

ACTION: Notice of proposed requirements, priorities, and selection criteria for Fiscal Year (FY) 2003 and subsequent years funds.

SUMMARY: The Assistant Secretary for Vocational and Adult Education proposes requirements, priorities, and selection criteria under the Smaller Learning Communities (SLC) Program. The Assistant Secretary will use these requirements, priorities, and selection criteria for a competition using fiscal year (FY) 2003 funds and may use them in later years.

DATES: We must receive your comments on or before February 6, 2004.

ADDRESSES: Address all comments about these proposed requirements, priorities, and selection criteria to Deborah Williams, U.S. Department of Education, OVAE, MES Room 5518, 400 Maryland Avenue SW., Washington, DC 20202–7100. If you prefer to send your comments through the Internet, use the following address: *deborah.williams@ed.gov.* You must include the term ''SLC Proposed Requirements'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Deborah Williams. Telephone: (202) 205–0242 or via Internet: *deborah.williams@ed.gov.*

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 alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding these proposed requirements, priorities, and selection criteria. To ensure that your comments have maximum effect in developing the notice of final requirements, priorities, and selection criteria, we urge you to identify clearly the specific proposed requirement, priority, or selection criterion that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed requirements, priorities, and selection criteria. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed requirements, priorities, and selection criteria in Room 5518, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed requirements, priorities, and selection criteria. If you want to schedule an appointment for this type of aid, please contact Deborah Williams. Telephone: (202) 205–0242 or via Internet: *deborah.williams@ed.gov.*

Background

The Smaller Learning Communities program is authorized under Title V, Part D, Subpart 4 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 7249), as amended by Public Law 107–110, the No Child Left Behind Act of 2001.

The No Child Left Behind Act of 2001 is the most sweeping reform of Federal education policy in a generation. It is designed to implement the President's agenda to improve America's public schools by: (1) Ensuring accountability for results, (2) providing unprecedented flexibility in the use of Federal funds in implementing education programs, (3) focusing on proven educational methods, and (4) expanding educational choice for parents. Since the enactment of the original ESEA in 1965, the Federal Government has spent more than $130 billion to improve public schools. Unfortunately, this investment in education has not yet eliminated the achievement gap between affluent and lower-income students or between minority students and non-minority students.

The U.S. Department of Education (Department) has developed a strategic plan that serves as the roadmap for all Departmental activities and investments. The plan specifically focuses on, among other areas, improving the performance of all high school students and holding schools accountable for raising the academic achievement level of all students. The Department will work with States to ensure that students attain the strong academic knowledge and skills necessary for future success in postsecondary education and adult life. The Department will encourage students to take more rigorous courses, especially in the areas of math and science. In addition, the Department is committed to ensuring that our Nation's schools are safe environments conducive to learning.

One strategy that holds promise for improving the academic performance of our Nation's young people is the establishment of smaller learning communities as components of comprehensive high school improvement plans. The problems of large high schools and the related question of optimal school size have been debated for the last 40 years and are of growing interest today. Approximately 50 percent of American high schools enroll 1,000 or more students; nearly 70 percent of high school students attend schools enrolling more than 1,500 students. Some students attend schools enrolling as many as 4,000 to 5,000 students.

While the research on school size to date has been largely non-experimental, there is a growing body of evidence that suggests that smaller schools may have advantages over larger schools. Research suggests that the positive outcomes associated with smaller schools stem from the schools' ability to create close, personal environments in which teachers can work collaboratively, with each other and with a small set of students, to challenge students and support learning. A variety of structures and operational strategies are thought to provide important supports for smaller learning environments; some data suggest that these approaches offer substantial advantages to both teachers and students (Ziegler 1993; Caroll 1994).

Structural changes for recasting large schools as a set of smaller learning communities are described in the Conference Report for the Consolidated Appropriations Act, 2000 (Pub. L. 106–113, H.R. Conference Report No. 106–479, at 1240 (1999)). Such methods include establishing small learning clusters, ''houses,'' career academies, magnet programs, and schools-within-a-school. Other activities may include: Freshman transition activities, advisory and adult advocate systems, academic teaming, multi-year groupings, ''extra

help'' or accelerated learning options for students or groups of students entering below grade level, and other innovations designed to create a more personalized high school experience for students. These structural changes and personalization strategies, by themselves, are not likely to improve student academic achievement. They do, however, create valuable opportunities to improve the quality of instruction and curriculum, and to provide the individualized attention and academic support that all students need to excel academically. The Smaller Learning Communities program encourages Local Education Agencies (LEAs) to set higher academic expectations for all of their students and provides support for reforms that will provide the effective instruction and personalized academic and social support students need to meet those expectations.

Proposed Application Requirements

These proposed requirements are in addition to the content that all Smaller Learning Communities grant applicants must include in their applications as required by the program statute under Title V, Part D, Subpart 4, Section 5441(b) of the ESEA. Local educational agencies (LEAs), including schools funded by the Bureau of Indian Affairs, applying on behalf of large public high schools, are eligible to apply for a planning or implementation grant. A discussion of each proposed application requirement follows:

A. Proof of Eligibility

We propose that, to be considered for funding, LEAs must identify in their applications the name(s) of the eligible school(s) and the number of students enrolled in each school. Enrollment figures must be based upon data from the current school year or data from the most recently completed school year. We will not accept applications from LEAs applying on behalf of schools that are being constructed and do not have an active student enrollment at the time of application.

Rationale

The Department needs this information to determine if each school identified in an application meets the proposed definition of a large high school and to ensure that an LEA is not applying for more than 10 schools. Further, the Department requires schools have an enrollment of over 1,000 students in grades 9 through 12. Schools under construction do not have actual enrollment data to be used to determine eligibility.

B. School Report Cards

We propose to require that LEAs provide, for each school included in the application, the most recent ''report card'' produced by the State or the LEA to inform the public about the characteristics of the school and its students and student academic achievement and other student outcomes. These ''report cards'' must include, at a minimum, the information that LEAs are required to report for each school under section 1111(h)(2)(B)(ii) of the ESEA: (1) Whether the school has been identified for school improvement; and (2) information that shows how the academic assessments and other indicators of adequate yearly progress compare to students in the LEA and the State performance of the school's students on the statewide assessment as a whole.

Rationale

The Department needs the ''report cards'' to verify the accuracy of information the LEA provides in its application about student academic achievement and other student outcomes at each school.

C. Types of Grants

We propose awarding two types of grants in this competition: (1) Planning grants, which will be awarded to support planning, design, and other preparatory activities that culminate in the development of a detailed plan for the implementation of a smaller learning communities program in a school; and (2) implementation grants, which will be awarded to applicants to support the implementation of a new smaller learning community program within each targeted high school, or to expand an existing smaller learning community program.

Planning grants will be awarded for a period up to 12 months, and implementation grants will be awarded for a period up to 36 months. We propose to require that applicants for implementation grants provide detailed, yearly budget information for the total grant period requested. Understanding the unique complexities of implementing a program that affects a school's organization, physical design, curriculum, instruction, and preparation of teachers, we anticipate awarding the entire grant amount for implementation projects at the time of the initial award.

Rationale

Effectively implementing a smaller learning community program requires significant prior planning and preparation, as well as extensive consultation with, and participation by, school personnel, parents, students, and community leaders. It requires fundamentally rethinking how a school is organized and how instruction and other direct services to students are delivered. It is not a discrete activity that can be carried out by a handful of teachers and school personnel without the involvement of the larger school community. We are proposing to award planning grants to those LEAs that may need additional resources to carry out these essential preparatory activities. Implementation grants would be available to those LEAs that have engaged in extensive planning activities and developed plans for implementing or expanding a smaller learning community program at one or more high schools.

D. Applications on Behalf of Multiple Schools

In an effort to encourage systemic, district-level reform efforts, we propose permitting an individual LEA to submit only one planning grant application and one implementation grant application in a competition, specifying in each application which high schools the LEA intends to fund.

We would not permit an LEA to apply on behalf of a high school for which it does not have governing authority, such as a high school in a neighboring school district. An LEA, however, may form a consortium with another LEA and submit a joint application for funds. They must follow the procedures for group applications described in 34 CFR 75.127–75.129 in EDGAR.

We further propose limiting an LEA to applying for either a planning or implementation grant on behalf of the same high school. A single high school could be included in either the LEA's planning grant application or its implementation grant application, but not both. An LEA is eligible for only one grant whether the LEA applies independently or as part of a consortium application.

Rationale

This requirement is designed to ensure that each LEA that receives assistance under this program will manage and coordinate school-level planning and implementation activities as part of a single, coherent, district-wide reform strategy. This will help LEAs make the most effective and efficient use of SLC resources and assist them in aligning SLC activities with other district-level initiatives, including the implementation of activities carried out under other programs funded by the ESEA and the Carl D. Perkins Vocational and Technical Education

Act. For the same reason, we are proposing to require that the LEA have governing authority over each high school it includes in its application. A high school will have considerable difficulty implementing or expanding a smaller learning community program without the active participation of its parent LEA.

We propose limiting an LEA to applying for either a planning or implementation grant on behalf of a single high school because of the different nature and purposes of the two types of grants. A planning grant supports planning, design, and preparatory activities that culminate in the development of a plan for implementing a smaller learning community program. Applicants pursuing planning grant funds must not yet have developed a viable plan. Implementation grants support the implementation of a plan to create or expand a smaller learning community program in a high school. Applicants must be prepared to either implement a new smaller learning community program or to expand an existing SLC program.

E. Award Ranges/Project Periods

For a one-year planning grant, we propose that LEAs applying on behalf of only one school would be eligible for a grant in the range of $25,000 to $50,000. LEAs applying on behalf of a group of eligible schools could receive up to $250,000 per planning grant depending on the number of schools included in the application. To ensure sufficient planning funds at the local level, we propose a limit of 10 schools that an LEA may include in a single application for a planning grant. The following chart provides the ranges for awards that we are proposing for planning grants:

Planning Grants	
Number of Schools in LEA Application	Award Ranges
One School	$25,000 - $50,000
Two Schools	$50,000 - $100,000
Three Schools	$75,000 - $150,000
Four Schools	$100,000 - $200,000
Five Schools	$125,000 - $250,000
Six Schools	$150,000 - $250,000
Seven Schools	$175,000 - $250,000
Eight Schools	$200,000 - $250,000
Nine Schools	$225,000 - $250,000
Ten Schools	$250,000

Applicants requesting more funds than the maximum amounts specified for each school and for the total grant would be declared ineligible for funding, and their applications will not be read.

We further propose that schools that received funds through planning grants in a prior year competition will not be eligible to apply for additional planning grants.

For a 36-month implementation grant, we propose that LEAs may receive, on behalf of a single school, $250,000 to $500,000, depending upon the size of the school. LEAs applying on behalf of a group of eligible schools could receive up to $5,000,000 per implementation grant. Implementation grants are designed to support extensive redesign and improvement efforts, professional development, direct student services, and other activities associated with creating or expanding a smaller learning community program. To ensure that sufficient funds are available to support implementation activities, we propose a limit of 10 schools that an LEA may include in a single application for an implementation grant.

The following chart provides the ranges of awards per high school that we are proposing for implementation grants:

Implementation Grants	
Student Enrollment	Award Ranges Per School
1,000 - 1,500 Students	$250,000
1,501-2,000 Students	$250,000 - $300,000
2,001-2,500 Students	$250,000 - $350,000
2,501-3,000 Students	$250,000 - $400,000
More than 3,000 Students	$250,000 - $500,000

Applicants requesting more funds than the maximum amounts specified for each school and for the total grant would be declared ineligible for funding, and their applications will not be read.

We propose that schools that received funds through implementation grants in a prior year competition will not be eligible to apply for additional implementation grants.

In previous SLC competitions, some applicants have requested more funds than the amount that we indicated would be available for a grant. Their applications included any number of activities that could only be made possible if the applicants received a funding amount that exceeded the maximum amount specified in the notice. This strategy put at a competitive disadvantage other applicants who requested funds within the specified funding range and outlined a less extensive set of activities. For this reason, we propose to fund only those applications that request an amount that does not exceed the maximum amounts specified for planning and implementation grants.

The actual size of awards will be based on a number of factors. These factors include the scope, quality, and comprehensiveness of the proposed program, and the range of awards indicated in the application.

Rationale

By establishing grant award ranges and maximum LEA award amounts, we will be able to fund a larger number of grants, ensure greater geographic distribution, encourage the planning and implementation of a diverse range of SLC strategies, and provide sufficient funding to support comprehensive reform within each participating high school. We determined these amounts after reviewing the experiences of previous recipients of SLC funds and examining the design and outcomes of other similar Federal, State, and privately funded programs.

The proposed grant award ranges and maximum LEA award amounts for SLC planning grants are the same as those that were established for the competition using FY 2000, FY 2001 and FY 2002 SLC funds. We concluded from our review of the experiences of previous recipients of SLC planning grants that these amounts are sufficient to support the activities needed to develop a detailed plan for implementing an SLC program.

For implementation grants, we are proposing to increase the maximum LEA award amount that we established in previous SLC competitions from $2.5 million to $5 million. In competitions using FY 2000, 2001 and 2002 funds, the $2.5 million maximum award discouraged LEAs from working with more than 5 high schools. An LEA serving 6 high schools could receive no more than an LEA serving 5 high schools. Based on our review of the experiences of previous SLC implementation grantees, we do not believe that this $2.5 million cap is warranted. Though some economies of scale may be achieved by serving multiple high schools, the cost savings are not likely to be so significant that an LEA would not be able to serve 6 or more high schools with the same amount of funds that is awarded to an LEA that is serving just 5 high schools. School districts are organized differently in every State. In a number of States, for example, LEAS are organized by county and govern a large number of high schools across a wide geographical area. The $2.5 million maximum award we imposed in previous competitions inadvertently discouraged these LEAs from implementing smaller learning communities on a system-wide basis.

We also have linked implementation grant award amounts to the size of the student population served by each high school. The experiences of previous SLC

grantees indicate that this change is warranted. The cost of implementing a smaller learning community is clearly related to the size of a school's student population. The number of teachers, administrators, counselors, and other school staff, as well as parents and other stakeholders, who must be engaged in the implementation process increases with the number of students enrolled at a high school. Logistical issues also become more complex as the number of students involved grows. Implementing a smaller learning community program in a high school of 2,500 students will require more resources than implementing the program in a high school with 1,000 students. We believe our proposal to link award amounts to school size will ensure that award amounts are more consistent with the true costs of implementing a smaller learning community program.

Only an estimated 20 percent of eligible American high schools have benefited from a planning or implementation grant awarded under the SLC program since FY 2000. For this reason, we are proposing to limit (a) planning grant assistance to those schools that have not previously benefited from an SLC planning grant and (b) implementation grant assistance to those schools that have not previously benefited from an SLC implementation grant.

F. Student Placement

Section 5441(b)(13) of the ESEA, as amended by the No Child Left Behind Act of 2001, requires applicants for SLC grants to describe the method of placing students in the smaller learning community or communities, such that students are not placed according to ability or any other measure, but are placed at random or by student/parent choice, and not pursuant to testing or other judgments.'' For instance, projects that place students in any smaller learning community on the basis of their prior academic achievement or performance on an academic assessment are not eligible for assistance under this program.

We propose that, to be considered for funding, applicants for planning grants must include in their application an assurance that the applicant will identify, as part of the planning process, methods of selecting or placing students in a smaller learning community that are not according to ability or any other measure but at random or by student/parent choice, and not pursuant to testing or other judgments.

We further propose that applicants for implementation grants must include an assurance/description of how students will be selected or placed in a smaller learning community such that students will not be placed according to ability or any other measure, but will be placed at random or by student/parent choice, and not pursuant to testing or other judgments.

Rationale

The Department needs this information to ensure that each funded project complies with the requirements of the statute regarding random assignment or student/parent choice for SLC placement of students.

G. Including All Students

We propose to require applicants for planning grants to develop plans to implement or expand a smaller learning community program that will include every student within the school by no later than the end of the fourth school year of implementation. We propose to require applicants for implementation grants to implement or expand a smaller learning community program that will include every student within the school by no later than the end of the fourth school year of implementation. Elsewhere in this notice, we propose to define a smaller learning community as an environment in which a core group of teachers and other adults within the school know the needs, interests and aspirations of each student well, closely monitor his or her progress, and provide the academic and other support he or she needs to succeed.

Rationale

The purpose of creating smaller learning communities within large high schools is to provide students with individualized attention, support, and instruction that will help them excel academically and acquire the knowledge and skills they need to succeed after high school. Young people have many different needs and personal resources, but most young people would benefit from participating in a well-implemented smaller learning community. While it may be easier to implement incremental reforms that include only a limited number of students, we do a disservice to young people when we narrow our sights in this way. For this reason, we propose to support only those projects that will include (or, in the case of planning grants, seek to include) every student within a smaller learning community.

We recognize that recipients of implementation grants may need several years to accomplish this goal. Implementing a smaller learning community program within a large high school is a formidable task, and it may take several years to include all students. We also do not believe that we should dictate how grantees accomplish the goal of including all students. The proposed requirement does not mean, for example, that schools must place all students in ''houses,'' academies, or other smaller organizational units. Smaller learning communities may also be created by implementing a variety of strategies, such as teacher advisories and more intensive academic counseling and career guidance, which do not necessarily require changes in how a school is organized.

H. Reporting Requirement for Recipients of Planning Grants

We propose to require recipients of planning grants to include as part of their final performance report a copy of the implementation plan they developed during the project period.

Rationale

Planning grants are awarded to support the development of a plan for implementing or expanding a smaller learning community program. Planning grants are not available to LEAs that wish merely to investigate the merits or feasibility of implementing or expanding a smaller learning community program. This preparatory work should be carried out prior to the submission of an application for a planning grant. Though grantees may wish to refine or expand further the implementation plan they develop during the project period, the plan should be substantially complete at the conclusion of the project period. Requiring grantees to submit these implementation plans as part of their final performance report will help ensure that grantees use planning grant funds effectively and appropriately.

I. Performance Indicators

We propose to require applicants for implementation grants to identify in their application specific performance indicators and annual performance objectives for each of these indicators. Specifically, we propose to require applicants to use the following performance indicators to measure the progress of each school:

1. The percentage of students who scored at the proficient and advanced levels on the reading/language arts and mathematics assessments used by the State to measure adequate yearly progress under Part A of Title I of ESEA, disaggregated by subject matter and the following subgroups:

a. All students;

b. Major racial and ethnic groups;

c. Students with disabilities;

d. Students with limited English proficiency; and

e. Economically disadvantaged students.

2. The school's graduation rate, as defined in the State's approved accountability plan for Part A of Title I of ESEA;

3. The percentage of graduates who enroll in postsecondary education, apprenticeships, or advanced training for the semester following graduation;

4. The percentage of graduates who are employed by the end of the first quarter after they graduate (*e.g.*, for students who graduate in May or June, this would be September 30);

5. Other appropriate indicators the LEA may choose to identify in its application, such as:

a. Rates of average daily attendance and year-to-year retention;

b. Achievement and gains in English proficiency of limited English proficient students;

c. The incidence of school violence, drug and alcohol use, and disciplinary actions;

d. The percentage of students completing advanced placement courses, and the rate of passing advanced placement tests (such as Advanced Placement, International Baccalaureate, and courses for college credit); and

e. Teacher, student, and parent satisfaction.

Applicants would be required to include in their applications baseline data for each of these indicators and identify performance objectives for each year of the project period. We further propose to require recipients of implementation grants to report annually on the extent to which each school achieved its performance objectives for each indicator during the preceding school year. We propose to require grantees to include in these reports comparable data, if available, for the preceding three school years so that trends in performance will be more apparent.

Rationale

While creating smaller learning communities appeals to teachers, students, and parents for many reasons, their fundamental purpose is to improve academic achievement and to prepare all young people to participate successfully in postsecondary education or advanced training, the workforce, our democracy, and our communities. As Jacqueline Ancess, Associate Director of the National Center for Restructuring Education, Schools, and Teaching has written, ''if the opportunity to develop close relationships with students and know them well is not leveraged on behalf of improving opportunities for their intellectual development, achievement, and success, the promise of these new small schools will be squandered.'' (Urban Dreamcatchers: Launching And Leading New Small Schools. 1997. National Center for Restructuring Education, Schools, and Teaching). Assistance provided under the SLC program should also support and enhance the efforts of LEAs and schools to fulfill the ambitious goals of the No Child Left Behind Act of 2001.

For these reasons, it is important that projects measure their progress in improving student academic achievement and related outcomes. Two of the indicators we propose to use, student performance on reading/language arts and mathematics assessments and the graduation rate, are the same indicators used by States to measure the adequate yearly progress of LEAs and schools under Part A of Title I of ESEA. Performance objectives for these indicators should equal or exceed the measurable annual objectives established by the State in its approved accountability plan for Part A of Title I of ESEA.

In today's economy, completing some form of postsecondary education or training beyond high school is becoming a prerequisite to securing employment that pays family-supporting wages and offers opportunities for career advancement. Most parents and students understand this well, and they consider preparing young people for postsecondary education or further learning to be one of the central missions of the American high school. The third indicator we are proposing, entrance into postsecondary education or advanced training, will measure the success of LEAs and schools in fulfilling these expectations. Performance objectives for this indicator should exceed the baseline level of performance and give particular emphasis to narrowing any gaps among all students and between students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

Our high schools also must prepare young people to succeed in the workforce. All high school graduates should have the necessary skills to obtain gainful employment, whether they decide to work to help pay for postsecondary education and their living expenses or decide to enter the workforce full-time after high school. The extent to which graduates are able to find employment after leaving high school is another important measure of the success of a high school in meeting the needs of its students.

Certainly, LEAs and schools will have other goals they hope to achieve through the implementation or expansion of a smaller learning communities program. For this reason, we propose to give applicants for implementation grants the opportunity to identify and establish performance objectives for other indicators that they consider useful and appropriate, such as, for example, rates of average daily attendance or incidents of violence and drug and alcohol use.

J. Evaluation of Implementation Grants

We propose to require recipients of implementation grants to support an evaluation of the project that will provide information to the project director and school personnel that will be useful in gauging their progress and in identifying areas for improvement. We propose that each evaluation include an annual report for each of the three years of the project period and a final report that will be completed at the end of the fourth year of implementation. We would require grantees to submit each of these reports to the Department.

In addition, we propose to require that the evaluation be conducted by an independent third party whose role in the project is limited to conducting the evaluation.

Rationale

Implementing or expanding a smaller learning community program is difficult and complex work that administrators, teachers, and other school personnel must carry out at the same time that they are carrying out other demanding, day-to-day responsibilities. An evaluation that provides regular feedback on the progress of implementation and its impact can help the project director and school personnel identify their successes and how they may need to revise their strategies to accomplish their goals. To be most useful, the evaluation should be objective and carried out by an independent third party who has no other role in the implementation of the project.

K. Forty-eight (48) month management plan

We propose to require applicants for implementation grants to include in their applications a management plan for the 12 months following the end of the 36-month project period, and a budget for these activities that will be supported by other Federal, State, local, or private funds. We also propose to require recipients of implementation

grants to submit to us a copy of the final evaluation report that will be completed at the end of the fourth year of implementation.

Rationale

Implementation grants will be awarded for a 36-month project period. Fully implementing a smaller learning communities program, however, may require additional time. Implementation grants are also intended to provide the ''seed capital'' needed to support the initial implementation or expansion of a smaller learning community program. Other Federal, State, local or private funds must be used to continue and sustain the program. Requiring applicants to develop and submit a management plan, and accompanying budget, for the 12 months following the project period will provide information that is needed to assess the extent to which applicants will fully implement the smaller learning community program, as well as provide the resources needed to continue and sustain it at the end of the project period. The final evaluation report will provide information about the success of the grantee in accomplishing the tasks and objectives it describes in the management plan for the 12 months following the end of the project period.

L. High-Risk Status and Other Enforcement Mechanisms

Applicants should note that the requirements listed in this notice are material requirements. Failure to comply with any requirement or with any elements of the grantee's application may subject the grantee to administrative action, including but not limited to designation as a ''high-risk'' grantee, the imposition of special conditions, or termination of the grant. Circumstances that might cause the Department to take such action include, but are not limited to: The grantee's failure to show improvement on the required performance indicators by the end of the second year of implementation; the grantee's failure to demonstrate that performance remains above the baseline level; the grantee's failure to make substantial progress in completing the milestones outlined in the management plan as submitted in the application; the grantee's expenditure of funds in a manner that is inconsistent with the budget as submitted in the application. The grantee's failure to carry out its plans for sustaining the program into the fourth year of implementation may be taken into account into a future competition in accordance with 34 CFR 75.217(d)(3).

M. Definitions

In addition to the definitions set out in the authorizing statute and 34 CFR 77.1, we propose that the following definitions also apply to this program:

Large High School: A large high school is an entity that includes grades 11 and 12 and has an enrollment of 1,000 or more students in grades 9 and above.

Smaller Learning Community: A smaller learning community is an environment in which a core group of teachers and other adults within the school know the needs, interests, and aspirations of each student well, closely monitor his or her progress, and provide the academic and other support he or she needs to succeed.

BIA School: A BIA school is a school operated or supported by the Bureau of Indian Affairs.

Selection Criteria

We propose that the following selection criteria be used to evaluate applications for new grants. The maximum score for all of these criteria is 100 points. The maximum score for each criterion or factor under that criterion is indicated in the parentheses.

Planning Grants

(a) Need for the project. (10 points) In determining the need for the proposed project, we will consider the extent to which:

(1) (7 points) The applicant will devise a plan or plans to assist school(s) that have the greatest need for assistance relative to other high schools within the State, as indicated by—

(A) Student performance on the academic assessments in reading/language arts and mathematics administered by the State under Part A, Title I of the ESEA;

(B) Gaps in performance between all students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency on the academic assessments in reading or language arts and mathematics administered by the State under Part A, Title I of the ESEA

(C) The school's graduation rate, and gaps in the graduation rate between all students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency;

(D) Disciplinary actions and reported incidents of violence and of drug and alcohol use;

(E) The percentage of graduates who enroll in postsecondary education, apprenticeships, or advanced training in the semester following graduation, and gaps in the percentage of all students who enroll in postsecondary education, apprenticeships, and advanced training and that of economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency;

(2) (3 points) The applicant's planning activities will address effectively the needs it identified in paragraph (1);

(b) Foundation for planning. (30 points) In determining whether there is an adequate foundation for the development of an effective implementation plan, we will consider the extent to which:

(1) (6 points) Teachers, administrators, and other school staff within each school support the proposed planning project and will be involved actively in the development of an implementation plan, including, particularly, those teachers who will be directly affected by the plan.

(2) (6 points) Teachers, administrators, and other school staff within each school will be provided sufficient and appropriate professional development to enable them to participate effectively in developing the implementation plan.

(3) (6 points) Teachers, administrators, and other school staff within each school will be provided sufficient paid release time during the regular school day or compensated time outside school hours to participate actively in professional development, planning, and preparatory activities.

(4) (6 points) Parents, students, and other community stakeholders (such as institutions of higher education, employers, and community organizations, including local non-profit agencies, faith-based organizations, and other service organizations) support the proposed planning project and will be involved actively in the development of an implementation plan.

(5) (6 points) The implementation or expansion of a smaller learning community program is consistent with, and will advance State and local initiatives to improve student achievement and narrow gaps in achievement between all students and students who are economically disadvantaged, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

(c) Quality of project design. (40 points) In evaluating the quality of the project design, we will consider the extent to which the applicant will adequately and effectively investigate

and incorporate in its implementation plan:

(1) (10 points) Research-based strategies, services, and interventions that are likely to improve overall student achievement and other outcomes (including graduation and enrollment in postsecondary education) and narrow any gaps in achievement between all students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

(2) (10 points) Research-based strategies, services, and interventions to accelerate learning by students who enter high school with reading/language arts or mathematics skills that are significantly below grade level so that, by no later than the end of the 10th grade, they acquire the reading/language arts and mathematics skills they need to participate successfully in rigorous academic courses that will equip them with the knowledge and skills necessary to transition successfully to postsecondary education, an apprenticeship, or advanced training.

(3) (10 points) A high-quality program of sustained and intensive professional development that will be provided to teachers, administrators, and school staff to assist them in carrying out the implementation plan.

(4) (10 points) Strategies for using funds provided under the ESEA, the Carl D. Perkins Vocational and Technical Education Act, or other Federal programs, as well as local, State, and private funds, to carry out the implementation plan.

(d) Adequacy of resources. (20 points) In determining the adequacy of the financial and personnel resources to support effective planning, we will consider the extent to which:

(1) (8 points) The budget is adequate and funds will be used appropriately and effectively to develop a comprehensive implementation plan.

(2) (6 points) The time commitments of the project director and other key project personnel are appropriate and adequate to achieve the objectives of the proposed project.

(3) (6 points) The qualifications, including relevant training and experience, of the project director and other key project personnel.

Implementation Grants

(a) Need for the project. (10 points) In determining the need for the proposed project, we will consider the extent to which the applicant will:

(1) (5 points) Assist schools that have the greatest need for assistance, as indicated by, relative to other high schools within the State:

(A) Student performance on the academic assessments in reading/language arts and mathematics administered by the State under Part A, Title I of the ESEA;

(B) Gaps in the performance of all students and that of economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency on the academic assessments in reading or language arts and mathematics administered by the State under Part A, Title I of the ESEA.

(C) The school's graduation rate, and gaps in the graduation rate between all students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

(D) Disciplinary actions and reported incidents of violence and of drug and alcohol use;

(E) The percentage of graduates who enroll in postsecondary education, apprenticeships, or advanced training in the semester following graduation, and gaps in the percentage of students who enroll in postsecondary education, apprenticeships, and advanced training between all students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

(2) (5 points) Employ strategies and carry out activities in its implementation of the proposed project that address the needs it has identified in paragraph (1);

(b) Foundation for Implementation. (15 points) In determining the quality of the implementation plan for the proposed project, we will consider the extent to which:

(1) (3 points) Teachers within each school support the proposed project and have been and will continue to be involved in its planning, development, and implementation, including, particularly, those teachers who will be directly affected by the proposed project.

(2) (3 points) Administrators, teachers, and other school staff within each school support the proposed project and have been and will continue to be involved in its planning, development, and implementation.

(3) (3 points) Parents, students, and other community stakeholders (such as institutions of higher education, employers, and community organizations, including local non-profit agencies, faith-based organizations, and other service organizations) support the proposed project and have been and will continue to be involved in its planning, development, and implementation.

(4) (3 points) The proposed project is consistent with, and will advance, State and local initiatives to increase student achievement and narrow gaps in achievement between all students and students who are economically disadvantaged, students from major racial and ethnic groups, students with disabilities, or students with limited English proficiency.

(5) (3 points) The applicant demonstrates that it has reviewed relevant scientifically based and other rigorous research and carried out sufficient planning and preparatory activities, outreach, and consultation with teachers, administrators, and other stakeholders to enable it to implement the proposed project at the beginning of the school year immediately following receipt of an award.

(c) Quality of Project Design. (30 points) In determining the quality of the design of the project we will consider the extent to which, using funds provided by this program in conjunction with other Federal, State, local, or private funds, the proposed project will:

(1) (6 points) Implement strategies, new organizational structures, or other changes in practice that are likely to create an environment in which a core group of teachers and other adults within the school know the needs, interests, and aspirations of each student well, closely monitor his or her progress, and provide the academic and other support he or she needs to succeed.

(2) (6 points) Implement research-based strategies, services, and interventions that are likely to improve overall student achievement and other outcomes (including graduation and enrollment in postsecondary education) and narrow any gaps in achievement between all students and economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, or students with limited English proficiency, such as—

(A) More rigorous academic curriculum for all students, and the provision of academic support to struggling students who need assistance to master more challenging academic content;

(B) More intensive and individualized educational counseling and career and college guidance, provided through mentoring, teacher advisories, adult advocates, or other means;

(C) Strategies designed to increase average daily attendance, increase the

percentage of students who transition from the 9th to 10th grade, and improve the graduation rate; and

(D) Expanding opportunities for students to participate in Advanced Placement courses and academic and technical courses that offer both high school and postsecondary credit.

(3) (6 points) Implement accelerated learning strategies and interventions that will assist students who enter the school with reading/language or mathematics skills that are significantly below grade level that—

(A) Will serve all students who enter the school with reading/language arts or mathematics skills that are significantly below grade level;

(B) Are designed to equip participating students with grade-level reading/language arts and mathematics skills by no later than the end of 10th grade;

(C) Are grounded in scientifically based research;

(D) Include the use of age-appropriate instructional materials and teaching and learning strategies;

(E) Provide additional instruction and academic support during the regular school day, which may be supplemented by instruction that is provided before or after school, on weekends, and at other times when school is not in session;

(F) Will be delivered with sufficient intensity to improve the reading/language arts or math skills, as appropriate, of participating students; and

(G) Include sustained professional development and ongoing support for teachers and other personnel who are responsible for delivering instruction.

(4) (6 points) Provide high-quality, sustained and intensive professional development throughout the project period that—

(A) Improves the content knowledge of teachers of core academic subjects;

(B) Includes activities designed to enable all teachers of core academic subjects to become ''highly qualified'' as defined by ESEA by the end of the project period;

(C) Advances the understanding of teachers, administrators, and other school staff of effective, research-based instructional strategies for improving the academic achievement of students, including, particularly, students with academic skills that are significantly below grade level;

(D) Provides teachers, administrators, other school personnel, and parents with the knowledge and skills they need to participate effectively in the development and implementation of a smaller learning community, including professional development that improves the capacity of teachers to deliver instruction and support students within a smaller learning community;

(5) (6 points) Provide the participating schools sufficient flexibility and autonomy to enable school administrators, teachers, other school staff, and parents to participate as full partners in the implementation of the proposed project.

(d) Quality of the Management Plan. (25 points) In determining the quality of the management plan for the proposed project, we consider the following factors:

(1) (10 points) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities and detailed timelines and milestones for accomplishing project tasks.

(2) (5 points) The extent to which the time commitments of the project director and other key personnel, including the individuals who will have primary responsibility for implementing the project at each school, are appropriate and adequate to achieve the objectives of the proposed project.

(3) (5 points) The qualifications, including relevant training and experience, of the project director and other key personnel, including the individuals who will have primary responsibility for professional development and technical assistance, and the individuals responsible for implementing the project at each school.

(4) Adequacy of resources. (5 points) In determining the adequacy of resources for the proposed project, we consider:

(A) The extent to which the budget is adequate and costs are directly related to the objectives and design of the proposed project.

(B) The extent to which the applicant will use funds provided under the ESEA, the Carl D. Perkins Vocational and Technical Education Act, or other Federal programs, as well as discretionary grants provided by the State or private sources, to support the implementation of the project;

(C) The potential for continued support of the project after Federal funding ends.

(e) Quality of Project Evaluation. (20 points) In determining the quality of the project evaluation conducted by an independent, third party evaluator, we consider the following factors:

(1) (4 points) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) (4 points) The extent to which the evaluation will collect and annually report accurate, valid, and reliable data for each of the required performance indicators, including student achievement data that are disaggregated for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

(3) (4 points) The extent to which the evaluation will collect additional qualitative and quantitative data that will be useful in assessing the success and progress of implementation, including, at a minimum:

(A) The results of multiple measures of student academic achievement, including results that are disaggregated for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, students with limited English proficiency, and other subgroups identified by the applicant.

(B) Rates of average daily attendance, year-to-year retention, and graduation that are disaggregated for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, students with limited English proficiency, and other subgroups identified by the applicant.

(C) Information on the satisfaction and perspectives of teachers, administrators, parents, and students at each school.

(D) Information on the extent to which the school is providing a safe and orderly environment for learning, such as the number of disciplinary actions, incidents of violence or drug or alcohol use, or other indicators identified by the applicant.

(E) Information on the progress of the school in creating an environment in which a core group of teachers and other adults within the school know the needs, interests and aspirations of each student well, closely monitor his or her progress, and provide the academic and other support he or she needs to succeed.

(4) (4 points) The extent to which the methods of evaluation will provide timely and regular feedback to the LEA and the school on the success and progress of implementation, and identify areas for needed improvement.

(5) (4 points) The qualifications and relevant training and experience of the independent evaluator.

Discussion of Priorities

We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priorities after considering responses to this notice and

other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use one or more of these proposed priorities, we invite applications through a notice in the **Federal Register**. When inviting applications we designate each priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority we give competitive preference to an application by either (1) Awarding additional points, depending on how well or the extent to which the application meets the competitive priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Priorities

Proposed Priority 1: Helping All Students to Succeed in Rigorous Academic Courses (Planning Grants)

This proposed priority would support projects that will develop a plan to create or expand a smaller learning community program that will implement a coherent set of strategies and interventions that are designed to ensure that all students who enter high school with reading/language arts and mathematics skills that are significantly below grade level ''catch up'' quickly so that, by no later than the end of the 10th grade, they acquire the reading/language arts and mathematics skills they need to participate successfully in rigorous academic courses that will equip them with the knowledge and skills necessary to transition successfully to postsecondary education, an apprenticeship, or advanced training.

These accelerated learning strategies and interventions must:

(1) Be grounded in the findings of scientifically based and other rigorous research;

(2) Include the use of age-appropriate instructional materials and teaching and learning strategies;

(3) Provide additional instruction and academic support during the regular school day, which may be supplemented by instruction that is provided before or after school, on weekends, and at other times when school is not in session; and

(4) Provide sustained professional development and ongoing support for teachers and other personnel who are responsible for delivering instruction.

Proposed Priority 2: Helping All Students to Succeed in Rigorous Academic Courses (Implementation Grants)

This proposed priority would support projects that will implement a coherent set of strategies and interventions that are designed to ensure that all students who enter high school with reading/language arts or mathematics skills that are significantly below grade level ''catch up'' quickly so that, by no later than the end of the 10th grade, they acquire the reading/language arts and mathematics skills they need to participate successfully in rigorous academic courses that will equip them with the knowledge and skills necessary to transition successfully to postsecondary education, an apprenticeship, or advanced training.

These accelerated learning strategies and interventions must:

(1) Be grounded in the findings of scientifically based and other rigorous research;

(2) Include the use of age-appropriate instructional materials and teaching and learning strategies;

(3) Provide additional instruction and academic support during the regular school day, which may be supplemented by instruction that is provided before or after school, on weekends, and at other times when school is not in session; and

(4) Provide sustained professional development and ongoing support for teachers and other personnel who are responsible for delivering instruction.

Executive Order 12866

This notice of proposed requirements, priorities, and selection criteria has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with this notice of proposed requirements, priorities, and selection criteria are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed requirements, priorities, and selection criteria, we have determined that the benefits of the proposed requirements, priorities, and selection criteria justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

(Catalog of Federal Domestic Assistance Number 84.215L, Smaller Learning Communities Program)

Program Authority: 20 U.S.C. 7249.

Dated: January 2, 2004.

Susan Sclafani,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 04–326 Filed 1–6–04; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Wednesday,
January 7, 2004

Part VIII

Department of Homeland Security

Coast Guard

33 CFR Part 151

Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems; Shipboard Technology Evaluation Program; Proposed Rule and Notice

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 151

[USCG–2001–9267]

RIN 1625–AA66

Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems

AGENCY: Coast Guard, DHS.

ACTION: Notice of withdrawal.

SUMMARY: The Coast Guard is withdrawing its proposal to proceed with an interim rule establishing a program through which vessel owners can apply for approval of experimental ballast water treatment (BWT) systems installed and tested on board their operating vessels. Instead of a rulemaking, the Coast Guard will proceed with establishing this voluntary experimental approval program using a Coast Guard Circular. Details of the program are published in Coast Guard Navigation and Vessel Inspection Circular (NVIC) 01–04.

DATES: The project ''Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems, RIN 1625–AA66, is withdrawn on January 7, 2004.

FOR FURTHER INFORMATION CONTACT: If you have questions on this Notice of Withdrawal, call Mr. Bivan Patnaik, Environmental Standards Division, Coast Guard, telephone 202–267–1744, E-mail: *bpatnaik@comdt.uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background

On May 22, 2001, we published a request for comments entitled ''Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems'' in the **Federal Register** (66 FR 28213). In this request for comments, we sought information on how to further develop ballast water treatment technologies and reduce the potential for introducing nonindigenous species (NIS) to the waters of the United States via discharged ballast water. We have also published our intent to issue an Interim Rule in the Unified Agenda entitled ''Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems'' in the **Federal Register**, May 27, 2003, (68 FR 30340).

Withdrawal

The Coast Guard has decided that the most efficient way of establishing this voluntary experimental approval program will be with the publication of a Coast Guard Circular. This will allow the Coast Guard to streamline the initiation process and proceed with the overall development of BWT technologies. Therefore, we are withdrawing this project from the rulemaking process. Additionally, we will use this withdrawal notice to respond to comments received in response to the May 22, 2001, request for comments. All comments and documents received in this docket will be available for use in future rulemakings.

This action is taken under the authority of: 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.1.

Discussion of Comments

The Coast Guard received comments from 12 sources on the notice with request for comments. We received comments from ship owners, vendors, industry associations, an environmental group, the United States Maritime Administration, and Transport Canada.

General Comments

The Coast Guard's notice with request for comments described basic procedures and conditions envisioned for the approval program. Four commenters expressed overall approval for the program's concept, but recommended that several details be strengthened and clarified. One commenter criticized the plan and proposed instead a detailed multi-vessel installation project, claiming it would lower the risk of approving an ineffective technology. The latter suggestion indicates that we may not have been sufficiently clear about the basic purpose of the proposed program. The primary purpose of the experimental approval program is to provide assurance to ship owners involved in projects to test the effectiveness of prototype treatment systems under real-world, operational conditions. The commenter's counter-proposal seems more appropriate for evaluating the operation and maintenance aspects of an approved treatment system.

One commenter suggested we also consider ways to counteract hull fouling, another source of NIS. The Coast Guard agrees that fouling of submerged surfaces of vessels both exterior and interior (*e.g.*, sea water cooling systems) may be an important mechanism by which NIS are transported among ecosystems. Current regulations that apply to the Great Lakes mandate mid-ocean ballast water exchange or an alternate approved practice of minimizing the introduction of NIS. We believe, therefore, that it is important to establish the experimental approval program to facilitate the development of ballast water treatment systems. In any case, the structure of the experimental approval program will allow it to be used in the future for other technologies, such as those used to prevent the transport of organisms in fouling assemblages.

Comments on International Impact

Three commenters noted that a program designed solely for the United States would have international ramifications. One commenter asked us to notify Transport Canada of experimental installations affecting the Great Lakes, and two other commenters urged an international approach to experimental installations, possibly through approval by the International Maritime Organization (IMO), in order to make a United States program more attractive to international shippers.

We agree that close communication with pertinent Canadian agencies will be important and necessary for the shared waters of the Great Lakes. We also agree that a program acceptable to the international shipping community will have the greatest potential to facilitate significant advances in the development of effective technologies. The Coast Guard will keep the relevant Canadian and IMO entities fully informed of this program.

Comments on Standards

Many commenters wanted to suggest, or wanted the Coast Guard to clarify, the quantitative standards by which a ballast water treatment technology would be evaluated under this program. Given that the intent of this experimental approval program is to facilitate the development of ballast water treatment systems in the absence of a standard, we initially felt it would be inappropriate to create a quantitative ''benchmark'' that would act as a standard. However, following consideration of the comments on this issue, we agree that a set benchmark for entry into the Program will be useful and appropriate. Consequently, we will incorporate into the review process a minimum quantitative treatment efficacy, expressed as an effluent concentration, that proposed systems will be expected to meet. This will not be a ''hard and fast'' criterion, because the point of the Program is to facilitate the development of technology, and that goal is best served by a degree of flexibility on conditions for entry. Importantly, the quantitative benchmark we will incorporate will not substitute

for a high degree of rigor, as established by peer review, in the design and implementation of proposed plans for the experimental evaluation of prototype ballast water treatment systems on-board operating vessels applying for acceptance in this Program.

Comments on the Approval Process

Three commenters supported the concept of peer-review, although one commenter recommended that reviews by peer panels other than the one we describe below be accepted as well. We also received comments regarding the qualifications of panel members and problems with matching the review process with real world scheduling of commercial vessels.

We agree that peer-review of the proposed test plans is essential for assuring that systems granted experimental approval are evaluated rigorously and scientifically. It is our intent that peer-review panels be composed of experienced researchers in a range of disciplines, such as environmental engineering, water disinfection, marine ecology, naval architecture, and marine engineering. To the extent possible, panels will include researchers with direct experience in conducting experimental tests of engineering, technologies, and practices on-board operating vessels, including ballast water treatment and ballast water exchange. The Coast Guard or its agent will assemble the panel according to explicit criteria for ensuring an appropriate mix and level of expertise and preventing conflicts of interest. It is important to make the reviews as uniform as possible, and this will be achieved through adherence to an explicit process, including standard review questions addressing specific issues. While it is feasible that independent reviews conducted outside the Coast Guard process could evaluate application materials in a comparable manner, there would be inevitable loss of control over the process and increased potential for conflicts of interest and lack of uniformity.

Industry groups asked how rejected applications would be handled. Our intention is to fully justify and explain rejections, and to allow applicants to resubmit revised proposals without prejudice. Approval of the application will be the responsibility of the Coast Guard. In deciding whether to grant or deny approval, the Coast Guard will consider the findings of the peer-review panel regarding the supporting data and test plan. It must be realized that other criteria, such as those related to safety and conformity with all existing environmental regulations, could outweigh a favorable panel review of the study design. Finally, it is the Coast Guard's intention that this program facilitate the development of ballast water treatment technology, not hinder such efforts through capricious and arbitrary decisions.

Comments Regarding Criteria for Review

Two commenters considered our documentation requirements for the testing process generally too complicated, too expensive, and not reflective of real-world field tests. We disagree that requiring comprehensive and scientifically credible test plans is not reflective of the ''real world''. Only when test plans are carefully designed and executed according to accepted practices of science and engineering will the resulting data provide meaningful information about the capabilities of treatment systems operated under shipboard conditions. It is true that carefully designed and implemented shipboard tests are likely to be expensive. However, the documentation required for review and to maintain approved status is not more than would be expected of a credible test and evaluation project.

One commenter suggested that technologies should be approved for shipboard installation only after they pass full-scale prototype testing. Then, they should be installed on several ships (to provide data from different conditions and environments) rather than on a single vessel and that the Coast Guard should monitor results. The Coast Guard disagrees with this comment. The intent of the experimental approval program is to provide incentives to vessel owners to install and test experimental ballast water treatment systems onboard their operating vessels, not to approve ballast water treatment systems for general installation on several ships.

Two commenters requested clarification about the Letter of Commitment and about the ability of the shipping industry to commit to projects within a 90-day review process. Withdrawal by any party of commitments to conduct an experimental evaluation according to the approved plan would be grounds for rescinding the approved status of the treatment system unless the remaining parties provide assurances that the contributions of the withdrawing party can be replaced. We believe that review of application packages will entail a significant commitment of resources by the government. Letters of Commitment from all parties involved in the experimental installations are necessary to minimize the possibility of expending public resources on insufficiently supported projects. With regard to the industry's ability to commit to projects with a 90-day review period, we strongly believe that experimental plans should reflect the attributes and operating circumstances of the vessels on which the experiments will be performed. The uncertainties of certain sectors of the shipping industry may prevent some ship owners from participating. It is our intent to be as flexible as possible, but we also believe that adequate review should not be compromised.

Concerning residual concentrations of treatment chemicals, one commenter said that in multi-jurisdictional waters like the Great Lakes, we should require documentation that shows residual chemicals to be within the limits set by the most demanding jurisdiction. As stated in the notice with request for comments, applicants will have to provide evidence that their proposed systems meet all applicable regulatory requirements for protection of both the environment, and human health and safety.

Our suggested procedure requires applicants to provide documentation from preliminary, small-scale experiments. One commenter criticized our use of the phrase ''smaller scale'' because it might unduly penalize developers who wish to make incremental improvements on existing or future full-scale experiments. Our intent is that applicants demonstrate that the treatment systems have been carefully evaluated in prior tests. While we have assumed that in many cases, these earlier tests will have used smaller scale versions of treatment systems than those proposed for shipboard installation, we recognize that this will not necessarily be so in all cases. The important consideration will be that the submitted evidence indicates the achievement of a consistently high level of treatment by the experimental system.

Some commenters wanted to modify the ''suite of organisms'' proposed for demonstrating a prototype system's range of effectiveness, although to different ends. While one commenter suggested broadening the list by adding virus-like particles to the suite, another commenter called the suite too expansive and suggested we instead develop a shorter list of organisms of interest. One commenter said it is unlikely that any one technology would be effective across the entire suite, and we should therefore regard a technology that completely eliminates any one

broad taxonomic category as initially sufficient.

We strongly believe that shipboard tests should evaluate effectiveness over as wide a range of organisms as possible. Furthermore, at this time there are no agreed-upon surrogates or indicator species for the diverse array of organisms likely to be encountered by a vessel. Organisms of interest will most likely be useful in laboratory or dockside tests and may be an important component in eventual general approval testing. However, shipboard tests should assess effectiveness as broadly as possible to provide the best understanding of various ballast water management approaches.

We proposed that applicants specify any conditions limiting the effectiveness of a treatment method on certain ships or routes. One commenter assumed the effectiveness of a treatment would not be affected by the ship's route. While we too anticipate that treatment systems will be developed for use under the broadest range of conditions, we do not wish to assume that route-specific treatment systems will have no place in the ballast water treatment market.

One commenter said the representative sampling criterion places a great burden on the investigator to predict what test protocol will satisfy the Coast Guard. This commenter said that if the Coast Guard plans to enforce compliance by using a set of sampling protocols, it should develop that set of protocols now and let it be used for testing purposes by vendors and ship owners. This response indicates a misunderstanding of the intended purpose of the experimental approval program. The experimental approval program is intended to foster the shipboard evaluation of treatment systems, not to serve as part of the general regulatory certification process. Our requirement for representative sampling is intended to assure that project protocols in any tests are able to detect true treatment effects, not introduce unintentional confounding variables. Rather than impose a requirement to use a specific approach or design, we instead expect that credible study plans will address this issue.

A group of commenters wanted us to clarify our statement that only a limited number of experimental systems would be approved. The group wanted to be sure we would not arbitrarily limit the number of test installations approved. We intend to limit the number of installations approved for any one experimental system, unless applicants can strongly justify that multiple ship installations are necessary and that sufficient resources are available to evaluate all units. The purpose of the program is not to facilitate the marketing of treatment systems, but to foster their development.

Comments Regarding Conditions of Approval

One commenter said that except for some specific line or tanker trades, it is commercially unreasonable to restrict approval to specific routes. We agree, and our experimental approval program will not have such blanket restrictions. However, treatment systems developed for specific trade routes, if they occur, may be so conditioned. Further, study plans for experimental installations on vessels with geographically diverse trading patterns will be expected to reflect, and take advantage of, spatial and temporal variability.

Two commenters agreed that approval for processes or systems shown to have adverse effects on the environment or human health should be revoked. One of the two commenters indicated that the stringent nature of the approval process makes blanket revocation unnecessary. Instead, case-by-case decisions could be made, taking into account vessel and route characteristics. We disagree because in general, blanket revocations are not anticipated for the simple reason that we do not foresee approving multiple installations of any one system. However, if evidence arises that an underlying unit process common to several systems has undesirable effects, then a wider revocation may be considered.

Several commenters expressed concern about our reporting requirements and recommended instead that approved installations be required to incorporate monitoring and recording systems or be subject to random vessel visits (equated with ''real marketplace'' conditions). A shipper considered the proposed requirement that principal scientists and engineers attend technical workshops at their own expense a negative incentive. Our reporting requirements are intended to ensure that approved shipboard evaluations are conducted according to the agreed-upon study plan, as well as to verify that treatment systems are used and operated as required under the conditions of approval. We expect that performance-monitoring equipment will be integral components of treatment systems, and that system output and performance will be addressed in the reports. Vessel inspections, by the U.S. Coast Guard or its agents, will be part of the monitoring regime to which approved systems will be subject. We agree that requiring attendance at technical workshops may require advance planning and budgeting; however, we feel that such interactions among those testing systems and the resource trustees will be valuable. We will, however, look for ways in which to subsidize or offset the costs of participation.

Comments Regarding the Approval Period

We received many comments pertaining to the proposed five-year approval period and ''grandfather'' clause. Several commenters signaled strong support for treating test systems as fully complying with ballast water treatment requirements for a period of years. One commenter called ''grandfathering'' a critical incentive for technology developers and vessel owners. However, several commenters asked for clarification regarding protection for installers in the event performance standards change during the test period. There was particular concern about making the approval of a ballast water treatment technology expire upon the updating of a standard. These specific comments touch on the primary intent of our experimental approval program, which is to foster research and development work on ballast water treatment systems under shipboard scales and conditions. We agree that uncertainty about the period for which approved systems will be accepted as meeting regulatory requirements will work counter to our intent. Therefore, the rule includes an explicit period of approval. Further, we intend to incorporate in the process for general approval of ballast water treatment systems a provision for considering data and information obtained during an experimental approval period. The installation approval process will be part of a proposed rulemaking on ballast water discharge standards. While the details remain to be resolved, the intent of this provision will be to avoid penalizing treatment system developers that have expended significant effort in meeting the requirements of the experimental approval program.

Several commenters favored periods of approval longer than the five years we proposed and suggested instead that experimental systems be approved for periods of 10–12 years. We consider the five-year period of approval to be sufficient, but seek to clarify that the five-year period will begin at the point in time that a specific vessel would be required to manage its ballast water through the use of mid-ocean exchange or other ballast water management practices including treatment systems. For vessels that install experimental

treatment systems prior to the establishment of a ballast water discharge regulation, the five-year period will not begin until the effective date for such a regulation.

One commenter further recommended that approval should be conditional on making the experimental technology available for testing by credible agencies. Because our intent is to provide ship owners with assurance that experimental systems will be approved for a specific period of time, we respectfully disagree. For many, if not most of these systems, there may be only one prototype unit, and therefore it would be onerous to require that the developer and/or the ship owner provide additional units for use by others.

It is also our intent that the review process will guarantee credible testing of approved systems. Further, we anticipate that the general approval of ballast water treatment systems will involve objective testing of such systems by independent evaluators. We see no need to require participants to make their experimental systems available to others because this program is intended for treatment systems under development.

Several commenters expressed concern that a test vessel should be protected in the event a shipboard test program fails by giving the vessel some reasonable time to make retrofits without losing its approved status. They argued that letting the approval lapse if, after one year, the system had not been installed or testing had not begun, was unrealistic given the complexities of the shipping industry. Instead, these commenters recommended that an expiration date be set in a manner that accounts for the experiment's proposed timeline.

We agree that there needs to be a high degree of flexibility to accommodate unavoidable scheduling or engineering problems. The review process, therefore, will contain a provision for negotiating schedules for implementation based on specific circumstances and for reacting to unexpected process failures or engineering problems.

Some commenters asked us to consider ''grandfathering'' for those vessels that have already installed experimental ballast water management technology prior to implementation of a Coast Guard policy on testing. One commenter said that numerous cruise ships have already installed experimental technology and should be included in an incentive program so as not to be penalized for being proactive. The commenter advocated streamlining the application and approval process because the installation can already demonstrate results. We agree that owners who have already installed experimental equipment should not be penalized for their proactive efforts. Vessel owners with experimental systems installed prior to implementation of this program will be able to apply for approval. However, approval will be dependent on an evaluation of the experimental study plan and results to ensure that all approvals are subject to the same degree of rigorous review.

Miscellaneous Comments

One commenter stressed the importance of increasing financial support for research and development of sampling and evaluation protocols.

Another commenter recommended the Smithsonian Environmental Research Center as an excellent source of testing protocols.

Three commenters discussed specific treatment methods in detail, and one of these also suggested criteria for any system design.

While these are all notable comments with clear relation to the broad issue of experimental evaluation of treatment systems, they are not directly relevant to the issue of conditional Coast Guard approvals for experimental systems.

We appreciate all comments received and will use them as we develop the Shipboard Technology Evaluation Program.

Dated: December 16, 2003.

Thomas H. Collins,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 04–337 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2001–9267]

Shipboard Technology Evaluation Program

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The U.S. Coast Guard is announcing an innovative program that will allow vessel owners/operators to apply for acceptance of vessels, permitting them to install and test experimental ballast water treatment systems. This program will facilitate the development of effective ballast water treatment technology, which will create more options for vessels seeking alternatives to ballast water exchange. Details of the program are published in Coast Guard Navigation and Vessel Inspection Circular (NVIC) 01–04.

DATES: This program is effective and the NVIC is available on January 7, 2004.

ADDRESSES: Applicants interested in receiving NVIC 01–04 and/or application documents for the Shipboard Technology Evaluation Program should send requests to the U.S. Coast Guard Headquarters (G–MSO–4), Room 1601, 2100 2nd Street SW., Washington DC 20593. The NVIC is also located at: *http://www.uscg.mil/hq/g-m/nvic/*. This NVIC is also available in the public docket (USCG–2001–9267) and is available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–402, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this public docket on the Internet at *http://dms.dot.gov/*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this Notice, call Mr. Bivan Patnaik, Environmental Standards Division, Coast Guard, telephone 202–267–1744, e-mail: *bpatnaik@comdt.uscg.mil*.

SUPPLEMENTARY INFORMATION: Nonindigenous species (NIS) are being unintentionally introduced into U.S. waters via ballast water discharge. These introductions are posing a serious threat to biological diversity, coastal infrastructures, and marine and freshwater resources. As a result, the Coast Guard has established the Shipboard Technology Evaluation Program (STEP). STEP will facilitate the development of experimental ballast water treatment technologies, and allow the Coast Guard to evaluate these technologies.

This will greatly assist the Coast Guard in evaluating ballast water treatment technologies to prevent the introduction and spread of NIS. For more information on this program, contact us as indicated in **FOR FURTHER INFORMATION CONTACT**. Please note that information on STEP, application procedures, and the NVIC 01–04 can be found at *http://www.uscg.mil/hq/g-m/mso/mso4/ans.html*.

Dated: December 23, 2003.

Joseph J. Angelo,

Acting Assistant Commandant for Marine, Safety, Security and Environmental Protection.

[FR Doc. 04–338 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–15–P

Federal Register

Wednesday,
January 7, 2004

Part IX

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 405 and 414

Medicare Program; Changes to Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004; Interim Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405 and 414

[CMS–1372–IFC]

RIN 0938–AM97

Medicare Program; Changes to Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule implements the provisions of the Medicare Prescription Drug, Improvement, and Modernization Act (MPDIMA) of 2003, Pub. L. 108–173, which are applicable in 2004 to Medicare payment for covered drugs and physician fee schedule services. These provisions revise the current payment methodology for Part B covered drugs and biologicals that are not paid on a cost or prospective payment basis; make changes to Medicare payment for furnishing or administering drugs and biologicals; revise the geographic practice cost indices and change the physician fee schedule conversion factor. The 2004 physician fee schedule conversion factor will be $37.3374. The 2004 national anesthesia conversion factor (prior to making adjustment for the geographic practice cost indices) will be $17.4969. The information contained in this final rule related to payment under the physician fee schedule supercedes the information contained in the November 7, 2003, final rule to the extent that the two are inconsistent. All other provisions of the November 7, 2003, final rule are unchanged unless otherwise noted. This rule also extends the ''opt-out'' provisions of 1802(b)(5)(3) of the Social Security Act to dentists, podiatrists, and optometrists.

DATES: *Effective date:* These regulations are effective on January 1, 2004.

Comment date: We will consider comments if we receive them at the appropriate address, as provided in the addresses section, no later than 5 p.m. on March 8, 2004.

ADDRESSES: In commenting, please refer to file code CMS–1372–FC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Mail written comments (one original and two copies) to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1372–FC, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for us to receive mailed comments on time in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses: Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–8013.

(Because access to the interior of the HHH Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available if you wish to retain proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Jennifer Fan, (410) 786–0548 regarding Medicare payment for Part B covered drugs and biologicals.

Rick Ensor, (410) 786–5617 regarding provisions related to geographic practice cost indices.

Diane Milstead, (410) 786–3355 for provisions related to the physician fee schedule.

Gaysha Brooks, (410) 786–9649 for questions related to obtaining Medicare physician fee schedule information from the CMS Web site.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: Comments received timely will be available for public inspection as they are processed, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786–7197.

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $10. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

This **Federal Register** document is also available from the **Federal Register** online database through GPO Access, a service of the U.S. Government Printing Office. The Web site address is *http://www.access.gpo.gov/nara/index.html.*

Accessing Physician Fee Schedule Web Site and Pricing Information

Information on the physician fee schedule and pricing files can be found on our home page. You can access this data at the following Web site: *http://cms.hhs.gov/physicians/pfs* or you can access this data by using the following directions:

1. Go to the CMS home page (*http://www.cms.hhs.gov*).
2. Place your cursor over the word ''Professionals'' in the blue area near the top of the page. Select ''Physicians'' from the drop-down menu.
3. Scroll down and under ''Payment/Billing'' select ''Physician Fee Schedule''.

The Physician Fee Schedule pricing information is contained in two public use files.

(1) *National Physician Fee Schedule Relative Value File*—This file contains all CPT/HCPCS (excluding codes beginning with B, E, L, K, and 0), their short descriptions and a status indicator, which denotes whether or not the service is priced under the physician fee schedule. The file also contains the components used in the calculation of the annual pricing amount (that is, the RVUs, GPCIs, and conversion factor), anesthesia conversion factors, and the payment policy indicators used to price the claims with surgical modifiers. This file does not contain the calculated pricing amounts.

(2) *Physician Fee Schedule Payment Amount File National/Carrier*—This file contains the CPT code and the Medicare price for all services priced under the Physician Fee Schedule. These data can be downloaded for the entire country, or for a selected carrier (in most cases

carriers correlate with States). There is no option of requesting data for selected HCPCS codes. The zip file, which is downloaded, contains a file named ''PF04pc'', which explains the data contained in each column. This file also contains a description of pricing localities used in the Physician Fee Schedule. Due to the size of the national file (as well as many of the carrier-specific files), these data are provided in a comma-delimited format, which can be used to populate database applications. Generally speaking, these data are too large for Excel, however if a carrier specific file has 3 or fewer localities, Excel can be used.

Another file that may prove useful is the *Zip Code to Carrier Locality* file. This file will map ZIP Codes to CMS carriers and localities and map Zip Codes to their State and determine whether the ZIP Code has a rural designation as determined by CMS. You can access this file at the following Web site: *http://cms.hhs.gov/providers/pufdownload/default.asp#alphanu* or you can access this data by using the following directions:

1. Go to the CMS home page (*http://www.cms.hhs.gov*).
2. Place your cursor over the word ''Professionals'' in the blue area near the top of the page. Select ''Physicians'' from the drop-down menu.
3. Scroll down and under ''Payment/Billing'' select ''Medicare Payment Systems.''
4. Scroll down and under Coding Files select ''Zip Code to Carrier Locality File.''

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I. Background

A. Medicare Payment for Part B Covered Drugs and the Furnishing or Administration of Drugs

Medicare Part B covers a limited number of prescription drugs and biologicals. For the purposes of this final rule, the term ''drugs'' will hereafter refer to both drugs and biologicals. Currently, covered Medicare drugs generally fall into three categories: drugs furnished incident to a physician's service, durable medical equipment (DME) drugs, and drugs specifically covered by statute (for example, oral immunosuppressive drugs). Prior to January 1, 2004, drugs not paid on a cost or prospective payment basis are paid based on the lower of the actual charge or 95 percent of the average wholesale price (AWP) (section 1842(o)(1) of the Social Security Act (the Act), as added by section 4556 of the Balanced Budget Act of 1997 (Pub. L. 105–33)). In December 2000, the Congress passed the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA). Section 429(a) of BIPA required the GAO to conduct a study of the current payment methodology. Section 429(b) of BIPA requires the Secretary, notwithstanding any other provision of law, to revise the Medicare payment methodology for drugs based on the GAO study. In September 2001, the GAO presented its study to the Congress in a report titled, ''Medicare: Payments for Covered Outpatient Drugs Exceed Providers' Costs'' (GAO–01–1118). Consistent with the recommendations in the report, we published four options for revising the current drug payment system in a proposed rule published August 20, 2003 (68 FR 50428), in the **Federal Register**. This proposed rule also discussed changes to Medicare payment under the physician fee schedule for furnishing or administering certain drugs and biologicals. However, as discussed in the November 7, 2003, final rule (68 FR 63196), ''Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2004'', since the Congress was considering legislation to address these issues, we were reluctant to proceed with finalizing the proposals contained in the August 20, 2003, proposed rule. On November 25, 2003, the Congress enacted the Medicare Prescription Drug, Improvement, and Modernization Act (MPDIMA) of 2003, Pub L. 108–173. The President signed Pub. L. 108–173 into law on December 8, 2003. Sections 303 through 305 of MPDIMA make revisions to payment methodology for Part B covered drugs that are not paid on a cost or prospective payment basis. Sections 303 and 304 also require the Secretary of Health and Human Services to revise Medicare payments for the administration of drugs made using the physician fee schedule. We are using this final rule to implement those sections of MPDIMA that are effective January 1, 2004, and prior to January 1, 2006, and affect Medicare payment for covered Part B drugs and their administration.

B. Geographic Practice Cost Indices (GPCIs) and Physician Fee Schedule Conversion Factor

Section 1848(e) of the Act requires that payments vary among Medicare physician fee schedule areas according to the extent resource costs vary, as measured by Geographic Practice Cost Indices (GPCIs) for each of the three fee schedule components—work, practice expense and malpractice. As explained later in this document, for services provided on or after January 1, 2004, and prior to January 1, 2007, section 412 of MPDIMA requires that the work GPCI cannot be less than 1.00. Section 602 of MPDIMA requires that work, practice

expense and malpractice GPCIs otherwise calculated cannot be less than 1.67 for services furnished in Alaska on or after January 1, 2004, or prior to January 1, 2006.

Sections 1848(d) and (f) of the Act establish a formula for determining the physician fee schedule update and conversion factor (CF). As indicated in the November 7, 2003, final rule (68 FR 63239), the application of the formula in the statute resulted in a 2004 physician fee CF of $35.1339, a reduction of 4.5 percent. However, section 601 of MPDIMA requires that the update to the physician fee schedule CF for 2004 cannot be less than 1.5 percent. We are using this final rule to announce the CF and GPCIs that will be used to determine physician fee schedule rates in 2004.

II. Provisions of the Final Rule

A. Application of Market-Based Systems of Medicare Payment for Part B Drugs

1. General Rule

Subject to the other provisions of MPDIMA, section 303(b) of MPDIMA specifies that drugs not paid on a cost or prospective payment basis will be paid at 85 percent of the average wholesale price (AWP) determined as of April 1, 2003.

2. Specific Provisions

Section 303(b)(1) of MPDIMA specifies that for CY 2004 the following drugs will be paid at 95 percent of the AWP:

- Blood clotting factors;
- A drug or biological furnished during 2004 that was not available for Medicare payment as of April 1, 2003;
- Pneumococcal and influenza vaccines as well as hepatitis B vaccine that is furnished to individuals at high or intermediate risk of contracting hepatitis B (as determined by the Secretary); and
- A drug or biological furnished during 2004 in connection with the furnishing of renal dialysis services if separately billed by renal dialysis facilities.

Section 303(b)(1) of MPDIMA also specifies that infusion drugs will be paid at 95 percent of the AWP in effect on October 1, 2003, when furnished through a covered item of durable medical equipment.

Section 303(b)(2) of MPDIMA specifies that the payment for a drug contained in the table entitled ''Table 3—Medicare Part B Drugs in the Most Recent GAO and OIG Studies'' published in the August 20, 2003, proposed rule (68 FR 50445) will be the percentage of the AWP indicated in the column entitled ''Average of the GAO and OIG data (percent)''. This percentage will be applied to the AWP determined as of April 1, 2003. However, in the event that the percentage from Table 3 is less than 80 percent, the percentage applied to the AWP determined as of April 1, 2003, will be 80 percent. Table 1 below is a reprint of Table 3 from the August 20, 2003, proposed rule. Table 2 highlights the relevant column from the August 20, 2003, proposed rule table and applies the 80 percent limit where applicable.

We note that there was a typographical error in Table 3 as published on August 20, 2003, for J1642 ''Heparin Sodium Lock Flush''. The percentage in the column specified in MPDIMA is missing for J1642. Given that this column is calculated as the average of the values in the preceding two columns for the drugs in this table, we will treat the missing value as the average of the values in the prior two columns for J1642, namely 66 percent. This is the percentage that would have been in that column in the table in the absence of the typographical error. We believe that this correction is consistent with Congress' intent to revise the percentage based on the average of accurate GAO and OIG data. This percentage will be subject to the 80 percent limitation described above.

We also note that there was another typographical error in Table 3 as published on August 20, 2003, for J9390 ''Vinorelbine Tartrate (Navelbine).'' The percentage listed under the column titled ''GAO Average Widely Available Price as a Percent of AWP (2001)'' for J9390 in Table 3 is incorrect and should not have been listed at all since GAO did not include this drug in its study. The percentage under the column titled ''OIG Median Catalogue Price as a Percent of AWP (2000)'' is correct. Since the column specified in MPDIMA is calculated as the average of the values in the preceding two columns for the drugs in this table, the correct percentage listed for J9390 under this column will be 81 percent based on the data from OIG. We believe that this correction is also consistent with Congress' intent to revise rates based on the average of accurate GAO and OIG data. This is the percentage that would have been in that column in the table in the absence of the typographical error.

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Table 1

Medicare Part B Drugs in the Most Recent GAO and OIG Studies
(Published as Table 3 in the August 20, 2003 Proposed Rule (68 FR 50445))

Brand Drugs[c]	HCPCS	Medicare Allowed Charges (CY '02, run thru 2/03)	Rank in Terms of Medicare Allowed Charges Across all Part B Drugs	GAO Average Widely Available Price as a Percent of AWP[a] (2001)		OIG Median Catalogue Price as a Percent of AWP[b] (2000)		Average of GAO and OIG Data		"Spread"[j]
EPOETIN ALFA (PROCRIT)	Q0136	$ 928	1	85%		89%		87%		8%
LEUPROLIDE ACETATE (LUPRON)	J9217	$ 627	2	82%		80%		81%		15%
GOSERELIN ACETATE (ZOLADEX)	J9202	$ 441	4	78%		80%		79%		17%
RITUXIMAB (RITUXAN)	J9310	$ 377	6	81%		80%		81%		15%
PACLITAXEL[c] (TAXOL)	J9265	$ 226	9	81%		80%		81%		15%
DOCETAXEL (TAXOTERE)	J9170	$ 221	10	78%		80%		79%		17%
CARBOPLATIN (PARAPLATIN)	J9045	$ 189	11	80%		82%		81%		15%
IRINOTECAN (CAMPTOSAR)	J9206	$ 170	12	77%		80%		79%		17%
GEMCITABINE HCL (GEMZAR)	J9201	$ 159	13	79%		80%		80%		16%
PAMIDRONATE DISODIUM[c] (AREDIA)	J2430	$ 126	14	83%		87%		85%		11%
DOLASETRON MESYLATE (ANZEMET)	J1260	$ 125	15	58%	(d)	53%		56%		41%
FILGRASTIM (NEUPOGEN) 480mcg	J1441	$ 99	17	81%	(d)	80%		81%		15%
HYLAN G-F 20 (SYNVISC)	J7320	$ 93	18	82%	(d)			82%	(f)	14%
MYCOPHENOLATE MOFETIL (CELLCEPT)	J7517	$ 64	20	86%	(e)			86%	(f)	9%
FILGRASTIM (NEUPOGEN) 300mcg	J1440	$ 53	26	81%	(d)	80%		81%		15%
GRANISETRON HCL (KYTRIL)	J1626	$ 47	28	71%		71%		71%		25%

ONDANSETRON (ZOFRAN)	J2405	$ 45	29	87%		86%		87%		8%
VINORELBINE TARTATE[c] (NAVELBINE)	J9390	$ 38	33			81%		81%	(g)	15%
SARGRAMOSTIM (LEUKINE)	J2820	$ 35	35			80%		80%	(g)	16%
TOPOTECAN (HYCAMTIM)	J9350	$ 34	36			84%		84%	(g)	12%
Generic Drugs										
IPRATROPIUM BROMIDE	J7644	$ 550	3	33%	(d)	34%	(i)	34%		64%
ALBUTEROL SULFATE	J7619	$ 381	5	15%		18%	(i)	17%		82%
IMMUNE GLOBULIN[h]	J1561 J1563	$ 105	top 20 w/ combined Jcodes			72%		72%	(g)	24%
LEUCOVORIN CALCIUM	J0640	$ 61	22	14%		15%		15%		84%
DOXORUBICIN HCL	J9000	$ 29	41			22%		22%	(g)	77%
DEXAMETHOSONE SODIUM PHOSPHATE	J1100	$ 3	104	86%				86%	(f)	9%
HEPARIN SODIUM LOCK-FLUSH	J1642	$ 3	105	66%				66%	(f)	31%
CROMOLYN SODIUM	J7631	$ 3	106	31%				31%	(f)	67%
ACETYLCYSTEINE	J7608	$ 2	129	28%	(e)	64%		46%		52%

Sources: GAO, "Medicare Payments for Covered Outpatient Drugs Exceed Providers' Costs," September 2001. OIG, "Medicare Reimbursement of Prescription Drugs," January 2001. OIG, "Excessive Medicare Reimbursement for Albuterol," March 2002. OIG, "Excessive Medicare Reimbursement for Ipratromium Bromide," March 2002.

(a) GAO estimated the average widely available discount from AWP. We converted that figure into the average widely available price as percent of AWP by subtracting the GAO average widely available discount from 100 percent.

(b) The OIG studies report the median Medicare payment amount and the median catalogue price for each HCPCS code. Based on the OIG data, we divided the OIG Medicare payment amount by 95 percent to estimate AWP and then divided the median catalogue price by the estimated AWP.

(c) PACLITAXEL and PAMIDRONATE DISODIUM became generic drugs in 2002 and VINORELBINE TARTATE became generic in 2003, however, the pricing information in the GAO and OIG studies covers the time period when they were brand drugs only.

(d) For these drugs, GAO only had data from 1 wholesaler in 2001, but had data from 2 or more sources in 2000. The widely available price as a % of AWP shown above for these drugs is the 2000 estimate. The figures for 2000 and 2001, respectively, were: DOLASETRON MESYLATE (58% and 35%), FILGRASTIM 480mcg (81% and 82%), HYLAN G-F 20 (82% and 82%) FILGRASTIM 300mcg (81% and 82%), and IPRATROPIUM BROMIDE (33% and 22%).

(e) GAO data are for 2000.

(f) Only based on GAO data.

(g) Only based on OIG data.

(h) Immune globulin was included in the generic category because it is a multisource biologic. OIG collected data on Immune Globulin HCPCs J1562. That Jcode is no longer in use and now corresponds to Jcodes 1561 and 1563.

(i) The price estimates based on OIG data for ALBUTEROL AND IPRATROPIUM BROMIDE include more than just catalogue prices. OIG conducted special studies on these two drugs in 2002 . The studies provided data on the median Medicare payment amount in 2001, the median wholesale catalogue price in 2001, the median invoice price (data gathered by OIG reflecting the time period 1998 - August 2000), and the median wholesale acquisition cost reported in the April 2001 Drug Topics Redbook. For these 2 drugs, we calculated the median price across OIG's three data sources, and then divided it by our estimate of AWP (OIG's Medicare median payment amount divided by 95%).

(j) The "spread" is the percent difference between the Medicare reimbursement price (i.e., 95percent of AWP) and the average GAO/OIG widely available/catalogue price.

Table 1A

Percentage of April 1, 2003 AWP Used to Calculate the 2004 Payment Limits for Selected Drugs based on the table "Medicare Part B Drugs in the Most Recent GAO and OIG Studies" (Published as Table 3 in the August 20, 2003 Proposed Rule (68 FR 50445))

Brand Drugs	HCPCS	Average of GAO and OIG Data	Pecentage used to calculate 2004 Payment Limit
EPOETIN ALFA (PROCRIT)	Q0136	87%	87%
LEUPROLIDE ACETATE (LUPRON)	J9217	81%	81%
GOSERELIN ACETATE (ZOLADEX)	J9202	79%	80%
RITUXIMAB (RITUXAN)	J9310	81%	81%
PACLITAXEL (TAXOL)	J9265	81%	81%
DOCETAXEL (TAXOTERE)	J9170	79%	80%
CARBOPLATIN (PARAPLATIN)	J9045	81%	81%
IRINOTECAN (CAMPTOSAR)	J9206	79%	80%
GEMCITABINE HCL (GEMZAR)	J9201	80%	80%
PAMIDRONATE DISODIUM (AREDIA)	J2430	85%	85%
DOLASETRON MESYLATE (ANZEMET)	J1260	56%	80%
FILGRASTIM (NEUPOGEN) 480mcg	J1441	81%	81%
HYLAN G-F 20 (SYNVISC)	J7320	82%	82%

MYCOPHENOLATE MOFETIL (CELLCEPT)	J7517	86%	86%
FILGRASTIM (NEUPOGEN) 300mcg	J1440	81%	81%
GRANISETRON HCL (KYTRIL)	J1626	71%	80%
ONDANSETRON (ZOFRAN)	J2405	87%	87%
VINORELBINE TARTATE (NAVELBINE)	J9390	81%	81%
SARGRAMOSTIM (LEUKINE)	J2820	80%	80%
TOPOTECAN (HYCAMTIM)	J9350	84%	84%
Generic Drugs			
IPRATROPIUM BROMIDE	J7644	34%	80%
ALBUTEROL SULFATE	J7619	17%	80%
IMMUNE GLOBULIN	J1561 J1563	72%	80%
LEUCOVORIN CALCIUM	J0640	15%	80%
DOXORUBICIN HCL	J9000	22%	80%
DEXAMETHOSONE SODIUM PHOSPHATE	J1100	86%	86%
HEPARIN SODIUM LOCK-FLUSH	J1642	66%	80%
CROMOLYN SODIUM	J7631	31%	80%
ACETYLCYSTEINE	J7608	46%	80%

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Section 303(b)(2) of MPDIMA also provides an opportunity for the manufacturer of a drug to submit data and information requesting a different percentage from the percentage indicated in Table 1A or the 85 percent general rule. The Secretary may adjust the percentage based on this data and information beginning April 1, 2004. Section 303(b) of MPDIMA specifies that this data and information can be submitted after October 15, 2003, and before January 1, 2004. As required by the statute, manufacturers need to submit this data and information before January 1, 2004. Manufacturers may supplement this data and information; however, any additional supplemental information should be received by CMS before 5 p.m. e.s.t. on January 16, 2004. We will use the supplemental information to help us evaluate the initial submission of data and information.

We expect that the data and information submitted by a manufacturer would include the manufacturer's average sales price for the drug for the most recent quarter available. For the purposes of the exceptions process, the manufacturer's average sales price is calculated as the manufacturer's sales to all purchasers in the United States (excluding sales exempted below) for the quarter divided by the total number of units of such drug or biological sold by the manufacturer in that quarter. The submission should also specify the units used in the calculation (for example, micrograms).

In the calculation of the manufacturer's average sales price, a manufacturer should include volume discounts, prompt pay discounts, cash discounts, free goods that are contingent on any purchase requirement, chargebacks, and rebates (other than rebates under the Medicaid program). To the extent that there is a lag in the availability of this information applicable to the quarter, the manufacturer should apply a methodology based on the most recent 12-month period available to estimate costs attributable to these price concessions. The manufacturer should submit a description of the methodology used to estimate these costs.

In the calculation of the manufacturer's average sales price, a manufacturer should exclude the following sales as defined for the Medicaid best price calculation under section 1827(c)(1)(C)(i) of the Act:

1. Sales to the Indian Health Service, the Department of Veterans Affairs, a state home as defined for the purposes of the Medicaid best price calculation, the Department of Defense, the Public Health Service and entities described in section 340(B)(a)(4) of the Public Health Act;

2. Sales under the Federal Supply Schedule of the General Services Administration;

3. Sales under a State pharmaceutical assistance program; and

4. Any depot sales and single award contract sales as defined for the purposes of the Medicaid best price calculation.

A manufacturer should also exclude sales at a nominal charge. Sales at a nominal charge are defined as sales below 10 percent of the average calculated as described above. In other words, after following the methodology described above, sales below 10 percent of the resulting average should be excluded and the average recalculated. The result of this final calculation is the manufacturer's average sales price for the purpose of the exceptions process.

Note that we would base any changes to the percentage indicated in Table 1 or the 85 percent general rule only on data that we could make available to the public.

Section 303(b)(2) of MPDIMA also specifies that we may adjust the percentage effective January 1, 2004, based on data and information that a manufacturer submitted by October 15, 2003. We accepted data from the manufacturer of two biologicals: imiglucerase and alglucerase. The data and information submitted by the manufacturer indicated that the manufacturer's average sales price was 94 percent of the average wholesale price. Based on this data, we will pay for these two biologicals when furnished in 2004 at 94 percent of the average wholesale price determined as of April 1, 2003.

B. Payment for Inhalation Drugs

Section 305(a) of MPDIMA specifies that inhalation drugs furnished through durable medical equipment covered under 1861(n) of the Act will be paid in accordance with section 1842(o)(4) of the Act, as added by section 303(b)(2) of MPDIMA. The methodology for determining the payment for a drug under section 303(b)(2) of MPDIMA is described above in section II.A.2 of this rule.

C. Pharmacy Supplying Fee for Certain Drugs and Biologicals

Section 303(e)(2) of MPDIMA provides that the Secretary shall pay a pharmacy supplying fee, less applicable deductible and coinsurance, for immunosuppressive drugs described in section 1861(s)(2)(J) and oral anti-cancer and anti-nausea drugs described in subparagraph (Q) and (T) of the same section as determined appropriate by the Secretary. We believe that the payment of this fee should be bundled into the current payment for these drugs and the 2004 payment amounts specified in section 303(b) of MPDIMA. We do not have data indicating that the 85% figure is insufficient to cover the cost of supplying these drugs. However, for 2005, we will re-examine this issue in light of the average sales price (ASP) data that will be submitted by manufacturers.

D. Physician Fee Schedule Provisions Related to the Administration of Drugs

As indicated above, sections 303 and 304 of MPDIMA amend section 1848 of the Act for physician fee schedule payments made beginning January 1, 2004. We are describing our implementation of the parts of sections 303 and 304 which have a January 1, 2004, effective date.

1. Provisions Related to Budget Neutrality

Section 303(a)(1) of MPDIMA amends section 1848(c) of the Act to require changes to the practice expense and physician work relative value units (RVUs) used to determine payment for drug administration services. In general, section 1848(c)(2)(B)(ii)(II) provides that the Secretary shall review and may make adjustments to the RVUs if the changes do not cause the amount of expenditures to increase or decrease by more than $20 million. Section 303(a) of MPDIMA amends section 1848(c)(2)(B) of the Act to add a new clause (iv) that exempts from this limitation, any additional expenditures in 2004 attributable to:

(1) The increase in practice expense RVUs for drug administration services resulting from the use of a practice expense survey meeting specific criteria described in the statute;

(2) The increase in practice expense RVUs resulting from using survey data on the compensation of clinical oncology nurses; and

(3) New physician work RVUs that we are adding to the drug administration services consistent with the new statutory provisions.

In addition, section 303(a)(1) of MPDIMA also modifies section 1848(c)(2)(B) of the Act to provide an exemption from the budget neutrality requirements in 2005 or 2006 for further increases in practice expense RVUs for drug administration services that may result from using additional survey data from physician specialties meeting specific criteria that we will discuss in

more detail later in this document. Furthermore, any increase in spending associated with any coding or policy changes resulting from the Secretary's review of existing drug administration codes is also exempted from budget neutrality requirements of section 1848 (c)(2)(B) by section 303 of MPDIMA. Section 303(a)(3) also requires the Secretary to review the policy in effect for the administration of more than one drug administered by the push technique. This change is also exempt from budget neutrality.

In general, we have met the budget neutrality requirements in the statute by either applying an adjustment to the physician fee schedule CF or to the RVUs themselves. However, section 303(a) of MPDIMA specifically amends the statute to exempt the additional expenditures that result from changes to the RVUs for drug administration services from the budget neutrality requirements. Therefore, we will make no changes to the physician fee schedule CF or physician work RVUs to account for physician work RVUs being added to drug administration services. We will add the additional expenditures as a result of these provisions to the expenditure base in applying our practice expense methodology.

2. Adjustments in Practice Expense Relative Value Units for Certain Drug Administration Services Beginning with 2004

Section 303(a)(1)(B) of MPDIMA amends section 1848(c)(2) of the Act by adding new subparagraph (H), ''Adjustments in Practice Expense Relative Value Units for Certain Drug Administration Services beginning in 2004''. Subparagraph (H)(i) requires the Secretary to determine the practice expense RVUs for 2004 using practice expense surveys submitted to the Secretary as of January 1, 2003, by a physician specialty organization in accordance with section 212 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act (BBRA) of 1999 if the survey: (1) Covers practice expenses for oncology drug administration services; and (2) meets criteria established by the Secretary for acceptance of such surveys.

Section 212 of the BBRA directed the Secretary to establish a process under which we would accept and use, to the maximum extent practicable and consistent with sound data practices, data collected or developed by entities and organizations. In an interim final rule with comment published in the **Federal Register** on May 3, 2000 (65 FR 25664), we established the criteria under which we would accept supplemental data for use in computing the practice expense RVUs. We subsequently modified those criteria in the November 1, 2000, physician fee schedule final rule (65 FR 65383) and the December 31, 2002, final rule (67 FR 79971).

The American Society of Clinical Oncology (ASCO) provided us with a supplemental survey prior to January 1, 2003, that includes expenses associated with the administration of chemotherapy drugs. While the survey meets the criteria we established, we initially decided not to use the information because of concerns about the data (for more information, see the December 31, 2003, final rule (67 FR 79973)). In a proposed rule published in the **Federal Register** on August 20, 2003 (68 FR 50437), we described subsequent discussions held with ASCO that resolved our concerns about the data.

Consistent with section 1848(c)(2)(H)(i) of the Act, we are using the ASCO survey to determine the practice expense RVUs for physician fee schedule services furnished on or after January 1, 2004, because it: (1) Was submitted prior to January 1, 2003; (2) includes expenses for drug administration services; and (3) meets criteria we have established for use of surveys.

Section 303(j) of MPDIMA applies the amendments made by section 303 for payments for drugs or biologicals and drug administrative services to physicians in the specialties of hematology, hematology/oncology and medical oncology. Section 304 indicates that: ''Notwithstanding section 303(j), the amendments made by section 303 shall also apply to payments for drugs or biologicals and drug administration services furnished by physicians in specialties other than the specialties of hematology, hematology/oncology and medical oncology.''

Because the section 303 (a)(1) provisions apply to hematology, hematology/oncology and medical oncology, we will use the supplemental survey submitted by ASCO for CMS specialty codes 82 (hematology), 83 (hematology/oncology) and 90 (medical oncology).

The Conference Report indicates that section 304 requires the Secretary to disregard the (section 303) exemption and apply the adjustments in section 303 to these other specialties. The Conference report further indicates the intent in drafting the provisions in this fashion: ''The intent in drafting the two sections in this manner is to segregate the savings achieved from adjustments to payments to oncologists from savings derived from other physician specialties. The specialties to which the provisions apply are the specialties as used by the carriers in administering Medicare.''

The purpose of the separation is only to display the budget scoring effects separately for oncologists from other physician specialties. There is *no* substantive policy effect at all from the enactment of the amendments in this manner. The combined effect of the amendments made by both section 303(j) and section 304 is that the substantive changes in both payments for drugs and biologicals as well as drug administration services apply to physicians of *all* specialties.

When we use supplemental survey data, we have generally blended the supplemental survey data with prior survey data from the American Medical Association's Socioeconomic Monitoring Survey (SMS). However, section 1848(c)(2)(H)(i) of the Act indicates that the Secretary should use survey data that meets the specific criteria specified in the statute. We are using the ASCO survey data and are not blending it with the prior SMS data.

Because we are not blending the ASCO survey with the SMS data, we are adopting a consistent policy in 2004 for survey data received in 1999 from the Society for Thoracic Surgery (STS). That is, we will use the STS supplemental survey data without blending it with the SMS data. However, we have not made a final decision and will continue to consider the issue of whether to blend supplemental survey with prior SMS data or to use specialty submitted supplemental surveys without blending. At this time, we are not using the ASCO and STS cases as precedent for our consideration of future survey data. While some may argue that the inclusion of newer, more specific survey data will improve the precision of the data underlying the calculation of the practice expense resource based RVUs, and lead to more stability in the practice expense methodology, it can also be argued that a specialty society would only undertake a survey (arguing that existing SMS data were not sufficiently representative of the specialty's practice expenses) if it believed that higher practice expense payments for that specialty could be achieved by submitting additional data. We do not believe that it would be prudent for the program to commit to the use of supplemental survey data without blending it with the SMS data for any and all future supplementary surveys. We will continue to consider this issue in 2004 when we make proposals for the 2005 physician fee schedule. At this time, we suggest that supplemental

survey data should be used without blending only under certain conditions that would be specified in a future rule. (Note that this issue does not affect specialties that are not included in the SMS sample, and for which we have no other previous survey data. In such cases there would obviously be no SMS survey data to blend.)

We invite comments on this issue and on appropriate criteria for determining when to employ specialty submitted supplemental surveys without blending.

Table 2 shows the revised practice expense per hour for each cost pool for the specialties of cardiac and thoracic surgery and oncology, hematology/oncology and hematology.

TABLE 2

Specialty	Clin Staff	Admin. Staff	Office Expense	Med. Supplies	Med. Equip	Other	Total
Cardiac/Thoracic Surgery	19.5	18.0	17.2	2.1	2.1	14.2	73.1
Oncology	53.4	34.7	34.4	16.9	7.4	42.2	189.0

3. Pricing of Clinical Oncology Nurses in the Practice Expense Methodology

Section 1848(c)(2)(H)(ii) of the Act (as added by section 303(a)(1) of MPDIMA) specifies that if a survey meets the criteria described above (that is, the survey that is submitted prior to January 1, 2003, meets criteria established by the Secretary, etc.) and includes data on wages, salaries and compensation of clinical oncology nurses, the Secretary will use the data in the methodology for determining the practice expense RVUs. The ASCO survey meets the criteria specified in the statute and also includes data on oncology nursing compensation. For this reason, we are using information from the survey to determine the wage rate per minute for oncology certified nurses (OCN). The OCN is included as a practice expense input for the nonchemotherapy infusion codes (90780 through 90781) and the chemotherapy administration codes (96400 through 96549). Using information from the ASCO survey, we determined a wage rate of 0.79 per minute (increase from the 0.56 per minute we are currently using) for the OCN. We used this revised wage rate to determine the practice expense RVUs for the drug administration services shown in Addendum B.

4. Work Relative Value Units for Certain Drug Administration Services

For services furnished on or after January 1, 2004, section 1848(c)(2)(H)(iii) of the Act (as added by section 303(a)(1) of MPDIMA) requires the Secretary to establish work RVUs for drug administration services equal to the work RVUs for a level 1 office medical visit for an established patient (CPT code 99211). Section 1848(c)(2)(H)(iv) of the Act defines drug administration services as those classified as of October 1, 2003, within any of the following groups: therapeutic or diagnostic infusions (excluding chemotherapy); chemotherapy administration services; and therapeutic, prophylactic, or diagnostic injections for which there are no work RVUs assigned and for which national RVUs have been assigned.

CPT code 99211 is a level 1 established patient office visit with physician work RVUs of 0.17. Consistent with the statute we are adding physician work RVUs of 0.17 to the following drug administration services: CPT codes 90780 through 90781, 90782 through 90788, 96400, 96408 through 96425, 96520, and 96530.

Currently, section 15010 of the Medicare Carriers Manual (MCM) does not allow payment for CPT codes 90782, 90783, 90784 and 90788 unless these are the only physician fee schedule services provided on that day. We do pay separately for cancer chemotherapy injections (CPT codes 96400–96549) in addition to an office visit (CPT codes 99211–99215) furnished on the same day by the same physician. CPT code 99211 does not require a face-to-face encounter between the physician and the patient like other office visit services (CPT codes 99212–99215) and can be used be physicians supervising a nurse performing chemotherapy administration. Currently, physicians typically bill for CPT code 99211 approximately 34 percent of the time that they are also providing a drug administration service. We believe that adding physician work to the drug administration services will subsume the supervision that physicians billing for a 99211 on the same day are typically providing. Therefore, we will no longer allow for 99211 to be billed on the same day as a chemotherapy administration service.

Although less common than CPT 99211, physicians also bill for other office visit (CPT codes 99212–99215) provided on the same day as chemotherapy administration. We will continue to allow other office visits to be billed on the same day as a drug administration service with modifier 25 indicating that a separately identifiable evaluation and management service was provided. This policy will make our practice with chemotherapy administration consistent with all other physician fee schedule services where we require use of modifier 25 if a separately identifiable evaluation and management service is provided on the day as a procedure. Section 15400(D) of the Medicare Carrier Manual (MCM) describes Medicare payment policy with respect to chemotherapy administration and ''incident to'' services provided on the same day. We will be revising section 15400 of the MCM (in addition to section 15010 that describes ''bundled services'') to reflect that CPT code 99211 and a chemotherapy administration service cannot be billed for the same patient on a single day.

5. Adjustments in the Practice Expense Relative Value Units for Certain Drug Administration Services Beginning with 2005

Section 303(a)(1) of MPDIMA also modifies section 1848(c)(2)(B) of the Act to provide an exemption from the budget neutrality requirements in 2005 or 2006 for further increases in practice expense RVUs for drug administration services that may result from using additional survey data from physician specialties meeting specific criteria. Section 1848(c)(2)(I) of the Act specifies that the exemption from budget neutrality will apply for any survey (other than the ASCO survey that meets the exemption requirement specified by another provision of the statute) submitted by a specialty group where 40 percent or more of its payments for Part B services are attributable to the administration of drugs in 2002 as determined by the Secretary. The statute indicates that the survey must include expenses for the administration of drugs and must be received by the Secretary prior to March 1, 2004, to determine the 2005 practice expense RVUs and prior to March 1, 2005, to determine the 2006 practice expense RVUs.

We have reviewed Medicare allowed charge data for 2002. Based on the 2002 data, we found that the specialties of gynecology/oncology (specialty code 98) rheumatology (specialty code 66) and urology (specialty code 30) received more than 40 percent of total Part B revenues from drugs. We will apply the exemption from budget neutrality specified in section 1848(c)(2)(I) of the Act for additional expenditures that result from the increases in drug administration practice expense RVUs in 2005 or 2006 resulting from use of a survey that is submitted timely by any of these specialties and otherwise meets criteria we have established for use of supplemental surveys. Hematology (specialty 82), hematology/oncology (specialty 83) and medical oncology (specialty 90) also receive more than 40 percent of their Medicare revenues from drugs. However, we are already using the ASCO survey for these specialties and the increase in payment for drug administration is exempt from budget neutrality by another provision of the statute.

6. Provisions for Appropriate Reporting and Billing for Physicians' Services Associated with the Administration of Covered Outpatient Drugs

Section 1848(c)(2)(J) of the Act requires the Secretary to promptly evaluate existing drug administration codes for physicians' services to ensure accurate reporting and billing for such services, taking into account levels of complexity of the administration and resource consumption. The statute further specifies that the Secretary will use existing processes for the consideration of coding changes and, to the extent changes are made, will use the processes to establish relative values for these services. The Secretary is also required to consult with physician specialties affected by the provisions that change Medicare payments for drugs.

We expect to review this issue in the context of all the payment changes being made by the statute to Medicare payment for drug administration in order to assure accurate reporting and billing for such services taking into account levels of complexity of the administration and resource consumption. The existing processes we plan to use include review by our Physician's Regulatory Issues Team (PRIT) and consultation with the AMA's CPT Editorial Committee and physician specialties affected by changes in payment for drugs and drug administration. The PRIT, an internal CMS group that is working to eliminate unnecessary regulations, is reviewing the issue of coding for drug administration services including section 15400 of the Medicare Carriers Manual (MCM) that currently governs Medicare policy with respect to use of CPT codes in the 96400 through 96549 series for chemotherapy administration.

7. Treatment of Other Services Currently in the Nonphysician Work Pool

The nonphysician work pool is a special interim methodology that we use to determine practice expense RVUs for many services that do not have physician work RVUs. The drug administration codes listed above are currently valued using the nonphysician work pool methodology. Because we are now assigning work RVUs to these drug administration codes, they will no longer be included in the nonphysician work pool. Practice expense RVUs for these services will be computed using the standard practice expense methodology that applies to all other physicians' services.

Section 303(a)(2) of MPDIMA requires the Secretary to make adjustments to the nonphysician work pool methodology for the determination of practice expense RVUs under the physician fee schedule so that the practice expense RVUs for services determined under such methodology are not affected relative to the practice expense RVUs of services not determined under such methodology as a result of the amendments made by section 303(a)(2) of MPDIMA. If we made no other changes, removing drug administration codes from the nonphysician work pool would result in a reduction to the practice expense RVUs for services remaining in the nonphysician work pool. Consistent with section 303(a)(1) of MPDIMA, we are making two changes to the nonphysician work pool methodology so that the practice expense RVUs for nonphysician work pool services are not affected relative to other services.

First, we are changing the practice expense per hour assigned to the nonphysician work pool. In place of the ''all physician'' average, we are using a weighted average practice expense per hour of the specialties that perform the services affected by its calculations. Specifically, we will use the following revised data in the practice expense methodology for services remaining in the nonphysician work pool:

TABLE 3

Specialty	Clin Staff	Admin. Staff	Office Expense	Med. Supplies	Med. Equip	Other	Total
Nonphysician Work pool	15.8	17.4	21.5	7.9	4.9	15.0	82.6

Second, we are adjusting the clinical staff times used in the creation of the pool. By definition, nonphysician work pool services do not involve the physician and have no physician time. To create the nonphysician work pool, we have used clinical staff time per procedure in the computation. We will now use the total staff time rather than the previously utilized maximum staff time for developing the 2004 physician fee schedule. Consistent with section 303(a)(2) of MPDIMA, the change to the practice expense per hour and staff time will result in no reduction to the practice expense RVUs for the services remaining in the nonphysician work pool once drug administration services are removed. By using the maximum staff time, we are assuming that clinical staff are working concurrently. However, it is possible that clinical staff are working sequentially and it would be appropriate to use the total staff time for each service. We are proposing to use the total staff in place of the maximum staff for developing the 2004 physician fee schedule since each are equally likely to address staff time arrangements for non-physician work pool services and the latter approach will assist in meeting the statutory directive that payment for non-physician work pool services not be affected by the changes we are making to drug administration services.

8. Payment for Multiple Chemotherapy Agents Furnished on a Single Day Through the Push Technique

Section 303(a)(3) of MPDIMA requires the Secretary to review the policy as in effect October 1, 2003, for section 1848 of the Act for the administration of more than one drug or biological to an individual on a single day through the push technique. Subsequent to that review, the Secretary will modify the

payment policy as determined to be appropriate. Section 303(a)(3)(C) of MPDIMA indicates that any change in policy resulting from this review will be treated as additional expenditures attributable to section 1848(c)(2)(H). (This section relates to the additional expenditures that result from use of survey data that includes expenses for drug administration and clinical oncology nurses and requires that we establish work RVUs equal to a level 1 office visit for drug administration services. Currently, a level 1 office has 0.17 work RVUs)

In the November 25, 1991, **Federal Register** (56 FR 59541), we specified that Medicare will allow CPT code 96408 (Chemotherapy administration, intravenous; push technique) to be reported only once per day even if the physician administers multiple drugs and this policy is contained in Section 15400 of MCM. In the August 20, 2003, proposed rule (68 FR 50439) concerning payment reform for part B drugs under Medicare, we had proposed revising this policy to allow for CPT code 96408 to be reported once per day for each drug administered. This revision was supported by commenters.

Upon review of this issue and in acknowledgement that there are additional resources involved in administering each subsequent drug which should be considered in a resource-based payment system, we are changing our policy and will allow for CPT code 96408 to be reported once per day for each drug administered. The effective date for this change is for services furnished on or after January 1, 2004. We will modify section 15400 of the manual consistent with this change. In addition, as previously mentioned, the PRIT will be reviewing the issue of use of the chemotherapy administration codes in the 96400 CPT code series and Medicare's manual provisions on their use.

9. Transitional Adjustment to Medicare Payment for Certain Drug Administration Services

Section 303(a)(4) of MPDIMA provides for a transitional adjustment to Medicare payment for drug administration services to reflect implementation of the amendments made by section 303 of MPDIMA affecting Medicare's payments for drugs. Specifically, section 303(a)(4) of MPDIMA requires Medicare to increase the physician fee schedule amounts otherwise determined by 32 percent for 2004 and 3 percent for 2005. Thus, we will determine the payment for CPT codes 90780 through 90781, 90782 through 90788, 96400, 96408 through 96425, 96520, and 96530 based on the work, practice expense and malpractice RVUs shown in Addendum B and the 2004 CF of $37.3374. Consistent with section 303(a)(4) of MPDIMA, we will increase the physician fee schedule amount by an additional 32 percent for 2004. (The physician fee schedule amounts applicable in 2005 will be increased by 3 percent.)

C. Geographic Practice Cost Indices (GPCIs)

The Act requires that payments vary among physician fee schedule areas according to the extent that resource costs vary as measured by the Geographic Practice Cost Indices (GPCIs) for each of the three fee schedule components: work, practice expense, and malpractice.

Section 412 of MPDIMA amended section 1848(e)(1) of the Act and establishes a floor of 1.0 for the work geographic index for any locality to be used for purposes of payment for services furnished on or after January 1, 2004, and before January 1, 2007. In addition, section 602 of MPDIMA further amended section 1848(e)(1) of the Act for purposes of payment for services furnished in Alaska under the physician fee schedule on or after January 1, 2004, and before January 1, 2006, and sets the practice expense, malpractice and work indices at 1.67 if the index would otherwise be less than 1.67.

Based on these changes to the Act, we are revising the addenda published in the November 7, 2003, final rule concerning the transitional 2004 and full 2005 GPCIs (Addendum D and Addendum E, respectively). No locality will have a work GPCI of less than 1.00 and the work, practice expense and malpractice GPCIs for Alaska are set at 1.67. Addendum D in the November 7, 2003, final rule listed 58 localities having work GPCIs of less than 1.00. Of these, the range was from 0.881 for Puerto Rico to 0.998 for ''Rest of New York'' and New Orleans, Louisiana. Addendum D and E that are included in this final rule will replace the addenda previously published November 7, 2003.

D. Adjustments to the Work, Practice Expense and Malpractice Relative Value Units

In the August 15, 2003, proposed rule (68 FR 49058), we proposed to adjust the work, practice expense and malpractice RVUs to match the rebased MEI weights. In the November 7, 2003, final rule (68 FR 63245), we responded to public comments and applied adjustments of −0.57 percent (0.9943) to the physician work RVUs, −0.77 percent (0.9923) to the practice expense RVUs and 19.86 percent (1.1986) to the malpractice RVUs. These adjustments were intended to make the aggregate work, practice expense and malpractice RVUs used to determine payments in 2004 consistent with their respective weights in the rebased MEI.

However, the changes required by MPDIMA change the 2004 work, practice expense and malpractice RVUs. Provisions that require changes to the work and practice expense RVUs and exempt them from budget neutrality will increase the number of work and practice expense RVUs.

As we indicated in the November 7, 2003, final rule, we believe Medicare payment policy will be improved by adjusting the work, practice expense and malpractice RVUs to match the revised MEI weights. By matching the aggregate pools of RVUs to the rebased MEI weights, Medicare's payments for physician work, practice expense and malpractice will more closely match the proportion of expenses incurred by physicians in these categories. Therefore, we are revising the adjustments applied to the RVUs in the November 7, 2003, final rule consistent with our goal of making the work, practice expense and malpractice RVUs match the rebased MEI weights. The revised adjustments are −0.15 percent (0.9985) for physician work, −1.320 percent (0.9868) for practice expense, and 20.61 percent (1.2061) for malpractice. We have incorporated these adjustments into the RVUs shown in Addenda B and C of this final rule.

E. Anesthesia and Physician Fee Schedule Conversion Factors for 2004

The physician fee schedule update is determined under a methodology specified by statute. In the November 7, 2003, final rule (68 FR 63251), we used the formula specified in section 1848(d)(4) of the Act to determine a 4.5 percent reduction to the physician fee schedule CF. However, section 601 of MPDIMA amended section 1848(d) of the Act to specify that the update to the single CF for 2004 and 2005 will not be less than 1.5 percent. Because the statutory formula will yield a 4.5 percent reduction to the physician fee schedule CF and the amendments to the statute indicate that the update for 2004 cannot be less than 1.5 percent, we will increase the physician fee schedule CF by 1.5 percent for 2004.

The specific calculations to determine the physician fee schedule and anesthesia CFs for 2004 are explained below.

• *Physician Fee Schedule Conversion Factor*

Under section 1848(d)(1)(A) of the Act, the physician fee schedule CF is equal to the CF for the previous year multiplied by the update determined under section 1848(d)(4) of the Act.

We illustrate the calculation for the 2004 physician fee schedule CF in table 4:

TABLE 4

2003 Conversion Factor	$36.7856
2004 Update	1.5% (1.015)
2004 Conversion Factor	$37.3374

• *Anesthesia Fee Schedule Conversion Factor*

As described in the November 7, 2003, final rule (68 FR 63252), anesthesia services do not have RVUs like other physician fee schedule services. For this reason, we are accounting for the adjustments to match the revised MEI weights and changes to anesthesia work and practice expenses through a 1.09 percent 1.0109 adjustment to the anesthesia fee schedule CF. The 1.09 percent increase reflects a 0.15 percent reduction on the work portion (79 percent), a 2.0 percent reduction on the practice expense portion (13.7 percent) and a 20.61 percent increase on the malpractice portion (7.2 percent) of the anesthesia conversion factor. (The adjustment to the practice expense portion is comprised of 1.3 percent for the MEI weights and 0.7 percent for the revisions in the practice expense methodology). To determine the anesthesia fee schedule CF for 2004, we used the following figures:

TABLE 5

2003 Conversion Factor	$17.0522
Adjustments for Work and Practice Expense	1.09% (1.0109)
2004 Update	1.5% (1.0150)
2004 Conversion Factor	$17.4969

F. Publication of Addenda

The addenda included in this final rule concerning RVUs and Related Information Used in Determining Medicare Payments for 2004 (Addenda A, B and C) and GPCIs by Medicare Carrier and Locality (Addenda D and E) replace the addenda published November 7, 2003 (68 FR 63261). The revised addenda reflect changes required by MPDIMA as well as corrections to minor errors contained in the addenda published November 7, 2003.

III. Private Contracting With Medicare Beneficiaries

Section 4507 of the Balanced Budget Act of 1997 added section 1802(b) to the Act. This section provides that physicians and certain nonphysician practitioners may opt out of Medicare and enter into private contracts with Medicare beneficiaries. Under these contracts, no limits apply to what physicians or nonphysician practitioners can charge beneficiaries. Physicians opting out of Medicare file an affidavit with the Medicare carrier in which they agree to opt out of Medicare for a period of 2 years and to meet certain other criteria. In general, the statute requires that during that two-year period, physicians and nonphysician practitioners who have filed affidavits opting out of Medicare have private contracts with all Medicare beneficiaries to whom they furnish Medicare covered services. These contracts may not be entered into at a time when a beneficiary needs emergency or urgent care services.

Moreover, the statute requires that the private contract be in writing and be signed by the Medicare beneficiary before any item or service is provided in accordance with the contract and that:

• The beneficiary agrees not to submit a claim (or to request that the physician or practitioner submit a claim) with Medicare for Medicare covered services.

• The beneficiary agrees to be responsible, whether through insurance or otherwise, for services furnished under a private contract.

• The beneficiary acknowledges that no limits (including the limits under section 1848(g) of the Social Security Act) apply to amounts that are charged under the private contract.

• The beneficiary acknowledges that no payment will be made under a Medigap plan, and other insurers may elect not to make payment for services furnished under the private contract.

• The beneficiary acknowledges that Medicare may make payment for covered services if the service was received from a physician or non-physician practitioner with whom the beneficiary has not signed a private contract.

Prior to enactment of MPDIMA, section 1802(b)(5)(B) of the Act limited the types of physicians who could choose to opt out of Medicare to doctors of medicine and doctors of osteopathy. Section 603 of MPDIMA amends section 1802(b)(5)(B) of the Act to include dentists, podiatrists, and optometrists, in certain circumstances, in the definition of physicians who may opt out of Medicare. We are making conforming changes to our regulations to reflect this change in the statute.

IV. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on a proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. In addition, the Administrative Procedure Act (APA) normally requires a 30-day delay in the effective date of a final rule. Furthermore, the Congressional Review Act (CRA) generally requires an agency to delay the effective date of a major rule by 60-days in order to allow for congressional review of the agency action.

Section 1871 of the Act provides for publication of a notice of proposed rulemaking and opportunity for public comment before CMS issues a final rule. However, section 1871(b)(2)(B) provides an exception when a law establishes a specific deadline for implementation of a provision and the deadline is less than 150 days after the law's date of enactment. MPDIMA was enacted by Congress on November 25, 2003, and signed into law by the President on December 8, 2003. The provisions of this rule that amend the physician fee schedule and drug payment rate are required to be implemented January 1, 2004. Therefore, these provisions are subject to waiver of proposed rulemaking and public comment in accordance with section 1871(b)(2)(B) of the Act.

Even if section 1871(b)(2)(B) of the Act were not directly applicable here, we would find good cause to waive the requirement for publication of an notice of proposed rulemaking and public comment on the grounds that it is impracticable, unnecessary, and contrary to the public interest. This final rule, with the exception of implementation of billing for a level 1 office visit and pharmacy supplying fee and the technical correction of minor errors in the November rule, merely sets out the non-discretionary provisions of MPDIMA with respect to payment under the physician fee schedule and drug AWP methodology. Because the rule is generally ministerial, we believe that pursuing notice and comment is

unnecessary. Moreover, because such process would prevent congressionally-mandated revisions, updates, and increases in payment under the physician fee schedule for 2004, we find that pursuing such process would be both impracticable and contrary to the public interest.

For these same reasons, we are waiving the 30-day delay in effective date contained in 5 U.S.C. section 553(d).

With respect to the requirement of a 60-day delay in the effective date of any final rule pursuant to the CRA, see 5 U.S.C. section 801, the CRA provides that the 60-day delayed effective date shall not apply to any rule ''which an agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. section 808(2)). For the reasons set forth above, we believe that additional notice-and-comment rulemaking on this subject would be impracticable, unnecessary, or contrary to the public interest. Therefore, we do not believe that the CRA requires a 60-day delay in the effective date of this final rule.

V. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

VI. Collection of Information Requirements

Under the Paperwork Reduction Act (PRA) of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA of 1995 requires that we solicit comment on the following issues:

The need for the information collection and its usefulness in carrying out the proper functions of our agency.

- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Therefore, we are soliciting public comments on each of these issues for the information collection requirement discussed below.

The following information collection requirement and associated burden are subject to the PRA.

§ 414.707 Basis of payment

Under paragraph (a)(7) of this section, a manufacturer requesting a drug payment exception to the default 85 percent used in the general rule or the percentage specified in Table 1 will have to submit data and information including the manufacturer's average sales price for the drug. The burden associated with this requirement is the time involved in providing us the information for the submission due before January 1, 2004, and the optional supplemental submission due by January 16, 2004. We believe that it would take an average of one hour to submit the request and the necessary data and information. Given the universe of approximately 450 Medicare drug codes and assuming an average of 10 manufacturers per drug code, the maximum aggregate burden associated with this activity would be 4500 hours.

We are soliciting public comment on this requirement in conjunction with a request for emergency approval of this information collection so that manufacturers may submit their requests during the statutorily prescribed timeframe. These requirements were submitted to OMB for review and are approved by OMB under OMB control number 0938–0913.

If you comment on any of these information collection and record keeping requirements, please mail copies directly to the following: Centers for Medicare & Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Regulations Development and Issuances Group, Attn: Julie Brown, CMS–1372–FC, Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244–1850; and Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Brenda Aguilar, CMS Desk Officer.

Comments submitted to OMB may also be emailed to the following address: email: *baguilar@omb.eop.gov;* or faxed to OMB at (202) 395–6974.

VII. Regulatory Impact Analysis

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for final rules with economically significant effects (that is, a final rule that would have an annual effect on the economy of $100 million or more in any 1 year, or would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities). We estimate that the combined effect of the physician fee schedule update and GPCI provisions included in this final rule will increase Medicare spending by $1.0 billion in FY 2004. We have simulated the effect of both the drug payment and physician fee schedule changes that we are adopting in this final rule. We are making several changes to the physician fee schedule RVUs in this final rule. In general, section 1848(c)(2)(B)(ii)(II) of the Act requires that changes to RVUs cannot increase or decrease expenditures more than $20 million from the amount of expenditures that would have resulted with such adjustments. However, section 303(a)(1) of the MPDIMA specifically exempts the changes we are making to the RVUs in this final rule from the budget neutrality requirements of section 1848(c)(2)(B)(ii)(II) of the Act. Thus, the changes that we are making to the physician fee schedule RVUs will increase aggregate spending for Medicare physician fee schedule services. Because the changes in this final rule will increase Medicare spending by more than $1.0 billion in FY 2004, we are considering this final rule to be economically significant. Therefore, this final rule is a major rule and we have prepared a regulatory impact analysis. The table 6 below shows our estimates of the fiscal year 2004 impact of specific MPDIMA provisions we are implementing in this final rule (rounded to the nearest $0.1 billion).

TABLE 6

Section	Description	FY 2004 impact ($ in billions)
303	Competitive Acquisition of Covered Outpatient Drugs	$0.0
304	Application to Certain Specialties	−0.1
305	Payment for Inhalation Drugs	−0.1
412	Work GPCI Floor for Physicians	0.2
601	Update Revisions	0.8
602	Services in Alaska	0.0

The RFA requires that we analyze regulatory options for small businesses and other entities. We prepare a Regulatory Flexibility Analysis unless we certify that a rule would not have a significant economic impact on a substantial number of small entities. The analysis must include a justification concerning the reason action is being taken, the kinds and number of small entities the rule affects, and an explanation of any meaningful options that achieve the objectives and less significant adverse economic impact on the small entities.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 100 beds.

For purposes of the RFA, physicians, non-physician practitioners, and suppliers are considered small businesses if they generate revenues of $6 million or less. Approximately 95 percent of physicians (except mental health specialists) are considered to be small entities. There are about 875,000 physicians, other practitioners and medical suppliers that receive Medicare payment under the physician fee schedule. There are in excess of 20,000 physicians and other practitioners that receive Medicare payment for drugs. These physicians are concentrated in the specialties of oncology, urology and rheumatology. Of the physicians in these specialties, approximately 40 percent are in oncology and 45 percent in urology.

For purposes of the RFA, approximately 98 percent of suppliers of DME and prosthetic devices are considered small businesses according to the Small Business Administration's (SBA) size standards. We estimate that 106,000 entities bill Medicare for DME, prosthetics, orthotics, surgical dressings, and other equipment and supplies each year. Total Medicare expenditures for DME are approximately $7.7 billion per year, of which approximately $1.4 billion are for DME drugs.

The analysis and discussion provided in this section as well as elsewhere in this final rule complies with the RFA requirements. Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. This final rule would not impose unfunded mandates on State, local, or tribal governments, or on the private sector of more than $110 million.

We have examined this final rule in accordance with Executive Order 13132 and have determined that this regulation would not have any significant impact on the rights, roles, or responsibilities of State, local, or tribal governments.

We have prepared the following analysis, which together with the rest of this preamble meets all assessment requirements. It explains the rationale for, and purposes of, the rule, details the costs and benefits of the rule, analyzes alternatives, and presents the measures we propose to use to minimize the burden on small entities. This final rule changes Medicare payment rates for drugs and their administration as well as other physician fee schedule services. We are providing information for each of the policy changes in the relevant sections of this final rule. We are unaware of any relevant Federal rules that duplicate, overlap or conflict with this final rule. The relevant sections of this final rule contain a description of significant alternatives if applicable.

A. Application of Market-Based Systems of Medicare Payment for Part B Drugs

As described in more detail earlier in this final rule, effective January 1, 2004, with some exceptions, section 303(b) of MPDIMA specifies that drugs not paid on a cost or prospective payment basis will be paid at 85 percent of the average wholesale price determined as of April 1, 2003. Section 303(a) directs the Secretary to make changes to the physician fee schedule that will increase Medicare spending for physicians' services. Section 303 applies only to oncology payments while section 304 indicates that identical provisions to those in section 303 apply to other physicians. We have estimated that section 303 of MPDIMA would have no cost in FY 2004 and that section 304 would save $0.1 billion in FY 2004.

B. Payment for Inhalation Drugs

Section 305(a) of MPDIMA specifies that inhalation drugs furnished through durable medical equipment covered under 1861(n) of the Act will be paid at 80 percent of the average wholesale price determined as of April 1, 2003. We estimated savings associated with implementing section 305(a) of the MPDIMA is $0.1 billion in FY 2004.

C. Pharmacy Supplying Fee for Certain Drugs and Biologicals

Section 303(e)(2) provides for payment of a pharmacy supplying fee, less applicable deductible and coinsurance, for immunosuppressive drugs described in subparagraph (J) of section 1861(s)(2) and oral anti-cancer and anti-nausea drugs described in subparagraphs (Q) and (T) of such section. The payment of this fee is bundled into the current payment for these drugs and the 2004 payment amounts specified in section 303(b). This provision has no impact on Medicare expenditures in 2004.

D. Physician Fee Schedule Provisions Related to the Administration of Drugs

As indicated above, we are making changes to the work and practice expense RVUs under the provisions of section 1848(c)(2) of the Act as amended by section 303 of MPDIMA. In general, under section 1848(c)(2) of the Act, adjustments to RVUs may not cause the amount of expenditures to differ by more than $20 million from the amount of expenditures that would have

resulted without such adjustments. However, section 303(a)(1) of the MPDIMA specifically exempts the changes we are making to the RVUs in this final rule from the budget neutrality requirements of section 1848(c)(2)(B)(ii)(II). As described above, consistent with section 303(a)(1), we are making several changes to the physician fee schedule work and practice expense RVUs.

Table 6A shows the specialty level impact on payment of changes being made for CY 2004. The payment impacts reflect averages for each specialty based on Medicare utilization. The payment impact for an individual physician would be different from the average, based on the mix of services the physician provides. The average change in total revenues would be less than the impact displayed here since physicians furnish services to both Medicare and non-Medicare patients and specialties may receive substantial Medicare revenues for services that are not paid under the physician fee schedule. For instance, oncologists receive approximately 20 percent of their Medicare revenues from physician fee schedule services and approximately 77 percent of their Medicare revenues from drugs. Table 6A shows only the payment impact on physician fee schedule services. Table 11 below shows the combined impact of the physician fee schedule and drug payment changes for selected specialties and suppliers that receive a high percentage of their Medicare revenues from drugs.

We modeled the impact of all changes to the relative value units and illustrated their effect in table 6A. The column labeled ''Impact 11/7/2003 Final Rule Pre-MEI Weight Adjustments'' shows the combined effect of all of the relative value unit changes contained in the August 15, 2003, proposed rule and the November 7, 2003, final rule other than the adjustments to make the aggregate work, practice expense and malpractice RVUs match the MEI weights. (For a description of the impact of the provisions of the August 15, 2003, proposed rule *see* 68 FR 49060–49065. For a description of the impact of additional impacts resulting from the November 7, 2003, final rule, see 68 FR 63252–63253). As described below, we have revised the MEI weight adjustments and will illustrate their impact once we show the effect of all other provisions that change RVUs.

The column labeled ''Section 303 and 304 Changes without Transition Payments'' shows the impact of changes made in this final rule implementing section 303 and 304 of MPDIMA other than section 303(a)(4) that requires a ''transitional adjustment'' that increases payments for specific drug administration services by an additional 32 percent in 2004. This column shows the effect of increases in payments for drug administration services resulting from the higher work and practice expense RVUs required by section 303 and 304 of MPDIMA as well allowing oncologists to bill for multiple drug administrations by the ''push'' technique on a single day. In addition, because there will be no same day billing of a level 1 office visit and a drug administration service, the impacts shown include the effect of fewer office visit billings by the minority of oncologists who billed for such services. Taken together, these provisions will increase payments to oncologists by an estimated 27 percent. We estimate that payments to other physicians that provide drug administration services (rheumatology, infectious disease, obstetrics/gynecology) will increase by 1 to 2 percent. The revision to the practice expense per hour for cardiac and thoracic surgeons will increase their payments by an estimated 1 percent. All of the other increases shown in the table are a result of changes that we are making to the non-physician work pool. These changes will increase payments to physicians, practitioners and suppliers (Allergy/Immunology, Radiation Oncology, Radiology, Audiology, Diagnostic Testing Facility and Portable X-Ray suppliers) that provide services affected by the non-physician work pool calculations by approximately 1 percent. There will be little or no change in payments for all other specialties from the changes we are making in this interim final rule because the changes to the RVUs resulting from MPDIMA are exempt from the budget neutrality requirements of section 1848(c)(2)(ii)(II) of the Act.

The column labeled ''Transition Payments'' shows the impact on payment from the 32 percent increase in payment for drug administration services required by section 303(a)(4) of MPDIMA. This provision will have an effect on only those specialties that provide drug administration services and is estimated to increase payments to oncologists by an additional 14 percent. We estimate that payments to other physicians that provide drug administration services (infectious disease, obstetrics/gynecology rheumatology and urology) will increase by 1 to 2 percent.

We also modeled the effect of adjusting the RVUs to match the new MEI weights. Because we are increasing the malpractice RVUs by more than 20 percent, adjusting the RVUs to match the new MEI weights will result in an increase in payment for those specialties that perform services with high malpractice RVUs. Payments to anesthesiology, cardiac surgery, emergency medicine, neurosurgery, orthopedic surgery, thoracic surgery and vascular surgery will increase by approximately 1 percent. There will be a small impact on payment to all other physicians, practitioners and suppliers from the adjustments that reduce physician work and practice expense RVUs to match the new MEI weights. The total change in payment from provisions of the November 7, 2003, final rule and this final rule are shown in the total column.

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Table 6A
Impact of Physician Fee Schedule Changes
on Total Medicare Allowed Charges
by Physician, Practitioner and Supplier Subcategory

Specialty	Medicare Allowed Charges (Millions*)	Impact 11/7/2003 Final Rule Pre-MEI Weight Adjustments	Section 303 and 304 Changes w/o Transition Payments	Transition Payments	Revised MEI Weight Adjustments	Total
Physicians:						
ALLERGY/IMMUNOLOGY	$ 153	-2%	1%	0%	0%	-2%
ANESTHESIOLOGY	$ 1,327	0%	0%	0%	1%	1%
CARDIAC SURGERY	$ 321	0%	1%	0%	1%	2%
CARDIOLOGY	$ 5,759	0%	0%	0%	0%	1%
CLINICS	$ 1,167	0%	1%	1%	0%	2%
COLON AND RECTAL SURGERY	$ 101	1%	0%	0%	0%	1%
CRITICAL CARE	$ 108	-1%	0%	0%	0%	-1%
DERMATOLOGY	$ 1,708	0%	0%	0%	0%	0%
EMERGENCY MEDICINE	$ 1,444	0%	0%	0%	1%	0%
ENDOCRINOLOGY	$ 246	1%	0%	0%	0%	1%
FAMILY PRACTICE	$ 4,005	1%	0%	0%	0%	1%
GASTROENTEROLOGY	$ 1,513	-1%	0%	0%	0%	-1%
GENERAL PRACTICE	$ 954	0%	0%	0%	0%	1%
GENERAL SURGERY	$ 2,110	-1%	0%	0%	0%	0%
GERIATRICS	$ 97	0%	0%	0%	0%	0%
HAND SURGERY	$ 46	-3%	0%	0%	0%	-3%
HEMATOLOGY/ONCOLOGY	$ 1,086	1%	27%	14%	0%	45%
INFECTIOUS DISEASE	$ 336	0%	2%	1%	0%	4%
INTERNAL MEDICINE	$ 7,917	1%	0%	0%	0%	1%
INTERVENTIONAL RADIOLOGY	$ 155	-1%	0%	0%	0%	0%
NEPHROLOGY	$ 1,187	0%	0%	0%	0%	0%
NEUROLOGY	$ 1,072	1%	0%	0%	0%	1%
NEUROSURGERY	$ 433	0%	0%	0%	1%	1%
OBSTETRICS/GYNECOLOGY	$ 550	1%	1%	1%	0%	2%
OPHTHALMOLOGY	$ 4,291	-1%	0%	0%	0%	-1%
ORTHOPEDIC SURGERY	$ 2,645	-2%	0%	0%	1%	-1%
OTOLARNGOLOGY	$ 735	3%	0%	0%	0%	3%
PATHOLOGY	$ 799	0%	0%	0%	0%	0%
PEDIATRICS	$ 58	0%	0%	0%	0%	1%
PHYSICAL MEDICINE	$ 594	1%	0%	0%	0%	1%
PLASTIC SURGERY	$ 274	0%	0%	0%	0%	0%
PSYCHIATRY	$ 1,073	0%	0%	0%	0%	0%
PULMONARY DISEASE	$ 1,305	-1%	0%	0%	0%	-1%
RADIATION ONCOLOGY	$ 1,002	0%	1%	0%	0%	1%
RADIOLOGY	$ 4,230	0%	1%	0%	0%	0%
RHEUMATOLOGY	$ 352	1%	2%	2%	0%	5%

THORACIC SURGERY	$ 446	-1%	1%	0%	1%	1%
UROLOGY	$ 1,540	1%	0%	1%	0%	2%
VASCULAR SURGERY	$ 429	-1%	0%	0%	1%	0%
Practitioners:						
AUDIOLOGIST	$ 25	-2%	1%	0%	0%	-1%
CHIROPRACTOR	$ 589	0%	0%	0%	0%	0%
CLINICAL PSYCHOLOGIST	$ 449	0%	0%	0%	0%	0%
CLINICAL SOCIAL WORKER	$ 277	0%	0%	0%	0%	0%
NURSE ANESTHETIST	$ 452	0%	0%	0%	1%	1%
NURSE PRACTITIONER	$ 434	0%	0%	0%	0%	1%
OPTOMETRY	$ 611	1%	0%	0%	-1%	0%
ORAL/MAXILLOFACIAL SURGERY	$ 33	8%	0%	0%	0%	8%
PHYSICAL/OCCUPATIONAL THERAPY	$ 835	-1%	0%	0%	1%	0%
PHYSICIAN ASSISTANT	$ 322	0%	0%	0%	0%	1%
PODIATRY	$ 1,307	-1%	0%	0%	0%	-1%
Suppliers:						
DIAGNOSTIC TESTING FACILITY	$ 728	0%	1%	0%	0%	1%
INDEPENDENT LABORATORY	$ 508	1%	0%	0%	0%	0%
PORTABLE X-RAY SUPPLIER	$ 82	0%	1%	0%	0%	1%
Other:						
ALL OTHER	$ 54	0%	0%	0%	0%	0%
ALL PHYSICIAN FEE SCHEDULE	$60,385	0%	1%	0%	0%	1%

*The Medicare allowed charge figures are one-year estimates based on the latest complete year of utilization (2002) with current payment rates (2003).

In general, the statutory methodology for updating the physician fee schedule conversion factor is specified in section 1848(d)(4) of the Act. However, section 1848(d)(5) specifies that the update to the conversion factor for 2004 and 2005 shall not be less than 1.5 percent. Application of the statutory methodology of section 1848(d)(4) of the Act would reduce the physician fee schedule conversion factor by 4.5 percent. However, because section 1848(d)(5) of the Act indicates that the update can be no less than 1.5 percent, we are increasing the 2004 physician fee schedule conversion factor by 1.5 percent. In table 7, we are showing the estimated change in average payments by specialty based on provisions of this final rule and the estimated physician fee schedule update.

Table 7
Impact of Physician Fee Schedule Changes
on Total Medicare Allowed Charges
by Physician, Practitioner and Supplier Subcategory
Including the Effect of the Physician Fee Schedule Update

Specialty	Medicare Allowed Charges (Millions*)	Impact of Rule Changes	Physician Fee Schedule Update	Total
Physicians:				
ALLERGY/IMMUNOLOGY	$ 153	-2%	1.5%	0%
ANESTHESIOLOGY	$ 1,327	1%	1.5%	2%
CARDIAC SURGERY	$ 321	2%	1.5%	3%
CARDIOLOGY	$ 5,759	1%	1.5%	2%
CLINICS	$ 1,167	2%	1.5%	3%
COLON AND RECTAL SURGERY	$ 101	1%	1.5%	2%
CRITICAL CARE	$ 108	-1%	1.5%	1%
DERMATOLOGY	$ 1,708	0%	1.5%	1%
EMERGENCY MEDICINE	$ 1,444	0%	1.5%	2%
ENDOCRINOLOGY	$ 246	1%	1.5%	3%
FAMILY PRACTICE	$ 4,005	1%	1.5%	3%
GASTROENTEROLOGY	$ 1,513	-1%	1.5%	1%
GENERAL PRACTICE	$ 954	1%	1.5%	2%
GENERAL SURGERY	$ 2,110	0%	1.5%	1%
GERIATRICS	$ 97	0%	1.5%	2%
HAND SURGERY	$ 46	-3%	1.5%	-1%
HEMATOLOGY/ONCOLOGY	$ 1,086	45%	1.5%	47%
INFECTIOUS DISEASE	$ 336	4%	1.5%	5%
INTERNAL MEDICINE	$ 7,917	1%	1.5%	3%
INTERVENTIONAL RADIOLOGY	$ 155	0%	1.5%	1%
NEPHROLOGY	$ 1,187	0%	1.5%	2%
NEUROLOGY	$ 1,072	1%	1.5%	3%
NEUROSURGERY	$ 433	1%	1.5%	3%
OBSTETRICS/GYNECOLOGY	$ 550	2%	1.5%	4%
OPHTHALMOLOGY	$ 4,291	-1%	1.5%	0%
ORTHOPEDIC SURGERY	$ 2,645	-1%	1.5%	0%
OTOLARNGOLOGY	$ 735	3%	1.5%	4%
PATHOLOGY	$ 799	0%	1.5%	1%
PEDIATRICS	$ 58	1%	1.5%	3%
PHYSICAL MEDICINE	$ 594	1%	1.5%	2%
PLASTIC SURGERY	$ 274	0%	1.5%	1%
PSYCHIATRY	$ 1,073	0%	1.5%	1%
PULMONARY DISEASE	$ 1,305	-1%	1.5%	0%

RADIATION ONCOLOGY	$ 1,002	1%	1.5%	2%
RADIOLOGY	$ 4,230	0%	1.5%	2%
RHEUMATOLOGY	$ 352	5%	1.5%	6%
THORACIC SURGERY	$ 446	1%	1.5%	3%
UROLOGY	$ 1,540	2%	1.5%	4%
VASCULAR SURGERY	$ 429	0%	1.5%	1%
Practitioners:				
AUDIOLOGIST	$ 25	-1%	1.5%	0%
CHIROPRACTOR	$ 589	0%	1.5%	2%
CLINICAL PSYCHOLOGIST	$ 449	0%	1.5%	1%
CLINICAL SOCIAL WORKER	$ 277	0%	1.5%	1%
NURSE ANESTHETIST	$ 452	1%	1.5%	2%
NURSE PRACTITIONER	$ 434	1%	1.5%	2%
OPTOMETRY	$ 611	0%	1.5%	2%
ORAL/MAXILLOFACIAL SURGERY	$ 33	8%	1.5%	9%
PHYSICAL/OCCUPATIONAL THERAPY	$ 835	0%	1.5%	1%
PHYSICIAN ASSISTANT	$ 322	1%	1.5%	2%
PODIATRY	$ 1,307	-1%	1.5%	0%
Suppliers:				
DIAGNOSTIC TESTING FACILITY	$ 728	1%	1.5%	2%
INDEPENDENT LABORATORY	$ 508	0%	1.5%	1%
PORTABLE X-RAY SUPPLIER	$ 82	1%	1.5%	2%
Other:				
ALL OTHER	$ 54	0%	1.5%	2%
ALL PHYSICIAN FEE SCHEDULE	$ 60,385	1%	1.5%	3%

*The Medicare allowed charge figures are one-year estimates based on the latest complete year of utilization (2002) with current payment rates (2003).

In the November 7, 2003, final rule, we showed the impact of all RVUs changes and a 4.5 percent reduction in the physician fee schedule conversion factor. In the table below, we are showing the effect of MPDIMA on payment for physician fee schedule services relative to the changes that would have occurred in 2004 under current law had MPDIMA not been enacted. That is, because the physician fee schedule conversion factor would have been reduced by 4.5 percent to $35.1339 and MPDIMA requires that it be increased by 1.5 percent to $37.3374, MPDIMA provisions affecting the update increased average physician fee schedule rates by 6.3 percent ($37.3374/$35.339 − 1 = 1.063 or 6.3 percent). Furthermore, MPDIMA required changes to relative value units that also resulted in further average increases in Medicare payment for physician fee schedule services. The following table also includes the impact of the GPCI provision that does not allow a work GPCI to be less than 1.0 and another one that increases the Alaska GPCI to 1.67. However, the impact on any specific physician, practitioner or supplier will be different than the average depending upon on whether the individual is located in Alaska or an area that would have had a GPCI that is less than 1.0.

The column labeled ''Impact 11/7/2003'' final rule shows the impacts from table 27 of the November 7, 2003, final rule (68 FR 63256). The next column shows the impacts from table 7 and an estimate of the increase in payments due to the GPCI provisions. The percentage difference between these columns isolates the impact of the MPDIMA provisions we are adopting in this final rule and are shown in the last column.

Table 8
Impact of MPDIMA
on Total Medicare Allowed Charges
by Physician, Practitioner and Supplier Subcategory

Specialty	Medicare Allowed Charges (Millions)	Impact 11/7/2003 Final Rule	Impacts from Table 7 & GPCI	Impact of MPDIMA
Physicians:				
ALLERGY/IMMUNOLOGY	$ 153	-6%	0%	7%
ANESTHESIOLOGY	$ 1,327	-4%	2%	7%
CARDIAC SURGERY	$ 321	-4%	3%	8%
CARDIOLOGY	$ 5,759	-4%	2%	7%
CLINICS	$ 1,167	-4%	3%	8%
COLON AND RECTAL SURGERY	$ 101	-4%	2%	6%
CRITICAL CARE	$ 108	-5%	1%	6%
DERMATOLOGY	$ 1,708	-5%	1%	6%
EMERGENCY MEDICINE	$ 1,444	-4%	2%	7%
ENDOCRINOLOGY	$ 246	-4%	3%	7%
FAMILY PRACTICE	$ 4,005	-4%	3%	6%
GASTROENTEROLOGY	$ 1,513	-5%	1%	6%
GENERAL PRACTICE	$ 954	-4%	2%	6%
GENERAL SURGERY	$ 2,110	-5%	1%	6%
GERIATRICS	$ 97	-5%	2%	7%
HAND SURGERY	$ 46	-7%	-1%	6%
HEMATOLOGY/ONCOLOGY	$ 1,086	-4%	47%	53%
INFECTIOUS DISEASE	$ 336	-5%	5%	10%
INTERNAL MEDICINE	$ 7,917	-4%	3%	7%
INTERVENTIONAL RADIOLOGY	$ 155	-5%	1%	6%
NEPHROLOGY	$ 1,187	-5%	2%	7%
NEUROLOGY	$ 1,072	-3%	3%	6%
NEUROSURGERY	$ 433	-4%	3%	6%
OBSTETRICS/GYNECOLOGY	$ 550	-4%	4%	7%
OPHTHALMOLOGY	$ 4,291	-5%	0%	6%
ORTHOPEDIC SURGERY	$ 2,645	-6%	0%	6%
OTOLARNGOLOGY	$ 735	-2%	4%	6%
PATHOLOGY	$ 799	-4%	1%	6%
PEDIATRICS	$ 58	-4%	3%	7%
PHYSICAL MEDICINE	$ 594	-4%	2%	6%
PLASTIC SURGERY	$ 274	-4%	1%	6%
PSYCHIATRY	$ 1,073	-5%	1%	6%
PULMONARY DISEASE	$ 1,305	-6%	0%	6%

RADIATION ONCOLOGY	$ 1,002	-5%	2%	7%
RADIOLOGY	$ 4,230	-5%	2%	7%
RHEUMATOLOGY	$ 352	-3%	6%	10%
THORACIC SURGERY	$ 446	-4%	3%	7%
UROLOGY	$ 1,540	-3%	4%	7%
VASCULAR SURGERY	$ 429	-5%	1%	6%
Practitioners:				
AUDIOLOGIST	$ 25	-6%	0%	6%
CHIROPRACTOR	$ 589	-4%	2%	6%
CLINICAL PSYCHOLOGIST	$ 449	-5%	1%	6%
CLINICAL SOCIAL WORKER	$ 277	-5%	1%	6%
NURSE ANESTHETIST	$ 452	-4%	2%	6%
NURSE PRACTITIONER	$ 434	-4%	2%	7%
OPTOMETRY	$ 611	-4%	2%	6%
ORAL/MAXILLOFACIAL SURGERY	$ 33	3%	9%	6%
PHYSICAL/OCCUPATIONAL THERAPY	$ 835	-4%	1%	6%
PHYSICIAN ASSISTANT	$ 322	-4%	2%	7%
PODIATRY	$ 1,307	-5%	0%	6%
Suppliers:				
DIAGNOSTIC TESTING FACILITY	$ 728	-5%	2%	7%
INDEPENDENT LABORATORY	$ 508	-3%	1%	5%
PORTABLE X-RAY SUPPLIER	$ 82	-4%	2%	7%
Other:				
ALL OTHER	$ 54	-4%	2%	7%
ALL PHYSICIAN FEE SCHEDULE	$ 60,385	-4%	3%	7%

Table 9 shows the impact on payments for selected high volume procedures of all of the changes previously discussed. This table shows the combined impact of the change in the work, practice expense and malpractice RVUs and the estimated physician fee schedule update on total payment for the procedure. There are separate columns that show the change in the facility rates and the non-facility rates. For an explanation of facility and non-facility practice expense refer to § 414.22(b)(5)(i). The figures in tables 9 and 10 show the impact of the RVU changes and the physician fee schedule update but do not include the impact of the GPCI changes.

Table 9

Impact of Final Rule and Physician Fee Schedule Update on Medicare Payment for Selected Procedures

			Non-Facility			Facility		
CODE	MOD	DESCRIPTION	Old	New	% Change	Old	New	% Change
11721		Debride nail, 6 or more	$ 37.52	$ 38.08	1%	$ 29.06	$ 29.87	3%
17000		Destroy benign/premlg lesion	$ 61.43	$ 60.49	-2%	$ 33.11	$ 35.84	8%
27130		Total hip arthroplasty	N/A	N/A	N/A	$1,343.41	$1,370.28	2%
27236		Treat thigh fracture	N/A	N/A	N/A	$1,068.99	$1,088.01	2%
27244		Treat thigh fracture	N/A	N/A	N/A	$1,155.44	$1,115.27	-3%
27447		Total knee arthroplasty	N/A	N/A	N/A	$1,445.67	$1,475.95	2%
33533		CABG, arterial, single	N/A	N/A	N/A	$1,799.18	$1,882.18	5%
35301		Rechanneling of artery	N/A	N/A	N/A	$1,073.77	$1,114.89	4%
43239		Upper GI endoscopy, biopsy	$337.69	$321.85	-5%	$ 155.97	$ 159.43	2%
45385		Lesion removal colonoscopy	$545.53	$497.71	-9%	$ 290.61	$ 288.24	-1%
66821		After cataract laser surgery	$231.01	$240.83	4%	$ 214.83	$ 237.09	10%
66984		Cataract surg w/iol, 1 stage	N/A	N/A	N/A	$ 672.81	$ 684.39	2%
67210		Treatment of retinal lesion	$604.39	$577.98	-4%	$ 548.47	$ 560.81	2%
71010	26	Chest x-ray	$ 9.20	$ 9.33	1%	$ 9.20	$ 9.33	1%
71020	26	Chest x-ray	$ 11.04	$ 11.20	1%	$ 11.04	$ 11.20	1%
76091		Mammogram, both breasts	$ 94.17	$ 96.33	2%	N/A	N/A	N/A
76091	26	Mammogram, both breasts	$ 44.14	$ 44.80	1%	$ 44.14	$ 44.80	1%
76092		Mammogram, screening	$ 82.77	$ 84.76	2%	N/A	N/A	N/A
76092	26	Mammogram, screening	$ 36.05	$ 36.22	0%	$ 36.05	$ 36.22	0%
77427		Radiation tx management, x5	$168.11	$169.14	1%	$ 168.11	$ 169.14	1%
78465	26	Heart image (3d), multiple	$ 75.41	$ 76.17	1%	$ 75.41	$ 76.17	1%
88305	26	Tissue exam by pathologist	$ 40.83	$ 41.44	1%	$ 40.83	$ 41.44	1%
90801		Psy dx interview	$148.98	$150.84	1%	$ 140.52	$ 142.26	1%
90806		Psytx, off, 45-50 min	$ 96.38	$ 97.45	1%	$ 92.70	$ 93.72	1%
90807		Psytx, off, 45-50 min w/e&m	$102.63	$103.80	1%	$ 100.06	$ 101.18	1%
90862		Medication management	$ 50.76	$ 51.15	1%	$ 47.82	$ 48.17	1%
90935		Hemodialysis, one evaluation	N/A	N/A	N/A	$ 71.36	$ 72.06	1%
92004		Eye exam, new patient	$123.60	$126.57	2%	$ 88.29	$ 89.24	1%
92012		Eye exam established pat	$ 61.43	$ 63.47	3%	$ 36.05	$ 36.22	0%
92014		Eye exam & treatment	$ 91.60	$ 93.34	2%	$ 58.86	$ 58.99	0%
92980		Insert intracoronary stent	N/A	N/A	N/A	$ 800.45	$ 812.09	1%
92982		Coronary artery dilation	N/A	N/A	N/A	$ 594.46	$ 602.63	1%
93000		Electrocardiogram, complete	$ 26.12	$ 26.51	1%	N/A	N/A	N/A
93010		Electrocardiogram report	$ 8.83	$ 8.96	1%	$ 8.83	$ 8.96	1%

93015		Cardiovascular stress test	$104.10	$106.78	3%	N/A	N/A	N/A
93307	26	Echo exam of heart	$ 48.19	$ 49.29	2%	$ 48.19	$ 49.29	2%
93510	26	Left heart catheterization	$231.38	$252.77	9%	$ 231.38	$ 252.77	9%
98941		Chiropractic manipulation	$ 35.68	$ 36.22	2%	$ 31.27	$ 31.74	2%
99203		Office/outpatient visit, new	$ 92.70	$ 95.96	4%	$ 70.26	$ 71.69	2%
99204		Office/outpatient visit, new	$132.06	$135.53	3%	$ 103.74	$ 105.66	2%
99205		Office/outpatient visit, new	$168.48	$172.13	2%	$ 137.58	$ 140.39	2%
99211		Office/outpatient visit, est	$ 20.60	$ 21.28	3%	$ 8.83	$ 8.96	1%
99212		Office/outpatient visit, est	$ 36.42	$ 37.71	4%	$ 23.17	$ 23.52	2%
99213		Office/outpatient visit, est	$ 51.13	$ 52.65	3%	$ 34.58	$ 35.47	3%
99214		Office/outpatient visit, est	$ 79.82	$ 82.14	3%	$ 56.65	$ 57.87	2%
99215		Office/outpatient visit, est	$116.98	$119.11	2%	$ 91.23	$ 93.34	2%
99221		Initial hospital care	N/A	N/A	N/A	$ 65.85	$ 66.83	1%
99222		Initial hospital care	N/A	N/A	N/A	$ 109.25	$ 111.27	2%
99223		Initial hospital care	N/A	N/A	N/A	$ 151.92	$ 154.95	2%
99231		Subsequent hospital care	N/A	N/A	N/A	$ 32.74	$ 33.23	1%
99232		Subsequent hospital care	N/A	N/A	N/A	$ 54.07	$ 54.89	2%
99233		Subsequent hospital care	N/A	N/A	N/A	$ 76.88	$ 78.04	2%
99236		Observ/hosp same date	N/A	N/A	N/A	$ 216.67	$ 226.26	4%
99238		Hospital discharge day	N/A	N/A	N/A	$ 69.16	$ 69.82	1%
99239		Hospital discharge day	N/A	N/A	N/A	$ 93.80	$ 95.21	2%
99241		Office consultation	$ 47.45	$ 50.03	5%	$ 33.11	$ 33.98	3%
99242		Office consultation	$ 88.29	$ 91.48	4%	$ 68.05	$ 69.45	2%
99243		Office consultation	$116.61	$120.60	3%	$ 90.49	$ 92.22	2%
99244		Office consultation	$165.90	$170.63	3%	$ 134.27	$ 136.65	2%
99245		Office consultation	$215.20	$220.29	2%	$ 177.67	$ 181.09	2%
99251		Initial inpatient consult	N/A	N/A	N/A	$ 34.95	$ 35.84	3%
99252		Initial inpatient consult	N/A	N/A	N/A	$ 70.26	$ 71.69	2%
99253		Initial inpatient consult	N/A	N/A	N/A	$ 96.01	$ 97.45	1%
99254		Initial inpatient consult	N/A	N/A	N/A	$ 137.95	$ 140.39	2%
99255		Initial inpatient consult	N/A	N/A	N/A	$ 189.81	$ 193.03	2%
99261		Follow-up inpatient consult	N/A	N/A	N/A	$ 22.07	$ 22.40	1%
99262		Follow-up inpatient consult	N/A	N/A	N/A	$ 43.77	$ 44.80	2%
99263		Follow-up inpatient consult	N/A	N/A	N/A	$ 65.11	$ 66.09	2%
99282		Emergency dept visit	N/A	N/A	N/A	$ 26.85	$ 27.63	3%
99283		Emergency dept visit	N/A	N/A	N/A	$ 60.33	$ 61.61	2%
99284		Emergency dept visit	N/A	N/A	N/A	$ 94.17	$ 95.58	1%
99285		Emergency dept visit	N/A	N/A	N/A	$ 146.77	$ 149.72	2%
99291		Critical care, first hour	$210.05	$242.69	16%	$ 200.11	$ 203.12	2%
99292		Critical care, addÏl 30 min	$107.78	$107.91	0%	$ 100.06	$ 101.56	1%
99301		Nursing facility care	$ 71.00	$ 71.69	1%	$ 61.06	$ 61.61	1%
99302		Nursing facility care	$ 96.75	$ 97.82	1%	$ 81.30	$ 82.52	2%
99303		Nursing facility care	$119.92	$120.97	1%	$ 101.16	$ 102.68	2%
99311		Nursing fac care, subseq	$ 40.83	$ 40.70	0%	$ 30.53	$ 30.62	0%
99312		Nursing fac care, subseq	$ 62.54	$ 63.10	1%	$ 50.40	$ 51.53	2%
99313		Nursing fac care, subseq	$ 85.71	$ 86.25	1%	$ 71.73	$ 72.43	1%
99348		Home visit, est patient	$ 74.31	$ 75.42	1%	N/A	N/A	N/A
99350		Home visit, est patient	$167.74	$169.89	1%	N/A	N/A	N/A
G0317		ESRDrelsvc 4+/mo;20+yr	$262.28	$303.18	16%	$ 262.28	$ 303.18	16%
G0318		ESRDrelsvc 2-3/mo;20+yr	$262.28	$252.40	-4%	$ 262.28	$ 252.40	-4%
G0319		ESRDrelsvc 1/mo;20+yr	$262.28	$201.62	-23%	$ 262.28	$ 201.62	-23%

The next table shows the change in payments from 2003 to 2004 for selected high volume drug administration services. This table shows the impact of the increases in the physician work and practice expense RVUs, the 1.5 percent increase in the physician fee schedule conversion factor and the additional 32 percent ''transition adjustment'' required by section 303(a)(4) of MPDIMA in 2004.

Table 10
Impact of Final Rule and Physician Fee Schedule Update on Medicare Payment for Selected Drug Administration Services Including Transition Adjustment

			Non-Facility Payment			
CODE	DESCRIPTION	2003 Payment	2004 Payment without Transition	Percent Change without Transition	2004 Payment with Transition	Percent Change with Transition
90780	IV infusion therapy, 1 hour	$ 42.67	$ 89.23	109%	$ 117.79	176%
90781	IV infusion, additional hour	$ 21.70	$ 25.02	15%	$ 33.02	52%
90782	Injection, sc/im	$ 4.41	$ 18.67	323%	$ 24.64	459%
96400	Chemotherapy, sc/im	$ 37.52	$ 48.54	29%	$ 64.07	71%
96408	Chemotherapy, push technique	$ 37.52	$ 117.24	212%	$ 154.76	312%
96410	Chemotherapy,infusion method	$ 59.22	$ 164.66	178%	$ 217.35	267%
96412	Chemo, infuse method add-on	$ 44.14	$ 36.59	-21%	$ 48.30	9%

Table 11 shows the combined impact of changes we are making to Medicare drug and physician fee schedule payments on selected specialties/medical suppliers that receive a significant portion of their total Medicare revenues from drugs. These figures do not include the impact of the legislated increases in the GPCI. The table shows the amount and proportion of total Medicare revenues received from drugs and physician fee schedule services (DME fee schedule services for DME/Other Medical Suppliers). We note that these impacts and percentages represent averages for each specialty or supplier. The percentages and impacts for any individual physician or DME supplier are dependent on the mix of drugs and physician fee schedule services they provide to Medicare beneficiaries. These tables are intended to illustrate the combined payment impact in a single year across all of the services that these specialties or suppliers perform using the most recent data available to us. The first two columns of table 11 list the specialty and its combined Medicare revenues from all sources. The next three columns show estimated total Medicare drug revenues, the proportion of total revenues represented by drugs and the percent change in Medicare drug payments estimated in the first year. The revenue reduction shown includes the effect of limiting decreases in drug payments to 15 percent, the maximum reduction allowed in 2004 consistent with section 1842(o)(4)(D) of the Act (as added by section 303(b) of MPDIMA). The following three columns show analogous information for physician fee schedule services. The last column shows the combined percentage change across all Medicare revenues. For example, as indicated in the table, approximately 77 percent of total Medicare revenues for oncologists are attributed to drugs. As indicated in the next column, we estimate that Medicare revenues from drugs will decline by approximately 12 percent for oncologists as a result of policies adopted in this interim final rule or about $510 million. We are increasing oncology physician fee schedule payments by 47 percent in this interim final rule or about $510 million. We estimated that the one-year decrease in drug payments and increase in physician fee schedule payments resulting from this final rule will produce virtually no net change in total Medicare payments for oncologists.

For DME/Other Medical Suppliers, 42 and 58 percent of Medicare revenues respectively are received from drugs and DME fee schedule services. These suppliers will receive an approximate reduction of 13 percent in their Medicare drug revenues the first year. The total reduction in payment in one year across all of the services they provide will be approximately 6 percent.

In general, the other physician specialties receive a smaller share of their total Medicare revenues from drugs than oncologists. However, they are also less affected by the payment increases for drug administration services. Taken together, we estimate a net change in revenues from the drug and drug administration payment changes for urology (−4 percent), rheumatology (−2 percent), obstetrics/gynecology (+1 percent) and infectious disease (+4 percent).

Table 11
Combined Payment Impact
Drug and Physician Fee Schedule Payment Changes
for Selected Specialties

	Combined Medicare Revenues All Sources ($ in Millions)	Estimated Medicare Drug Revenues	% of Total Medicare Revenues from Drugs	% Change Medicare Drug Revenues	Estimated Medicare Physician/DME Fee Schedule Revenues	% of Total Medicare Revenues from Fee Schedule	% Change Medicare Physician Fee Schedule Revenues	Combined % Change All Medicare Revenues
HEMATOLOGY/ONCOLOGY	$ 5,499	$ 4,227	77%	-12%	$ 1,086	20%	47%	0%
DME/OTHER MEDICAL SUPPLIER	$ 3,778	$ 1,588	42%	-13%	$ 2,190	58%	0%	-6%
UROLOGY	$ 2,784	$ 1,189	43%	-14%	$ 1,537	55%	4%	-4%
RHEUMATOLOGY	$ 747	$ 369	49%	-11%	$ 352	47%	6%	-2%
OBSTETRICS/GYNECOLOGY	$ 658	$ 97	15%	-13%	$ 550	84%	4%	1%
INFECTIOUS DISEASE	$ 365	$ 26	7%	-12%	$ 336	92%	5%	4%

C. Geographic Practice Cost Indices (GPCIs) Changes

Section 412 of MPDIMA amended section 1848(e)(1) of the Act and establishes a floor of 1.0 for the work geographic index for any locality to be used for purposes of payment for services furnished on or after January 1, 2004, and before January 1, 2007. In addition, section 602 of MPDIMA further amended 1848 (e)(1) of the Act for purposes of payment for services furnished in Alaska under the physician fee schedule on or after January 1, 2004, and before January 1, 2006, and sets the practice expense, malpractice and work indices at 1.67 if such index would otherwise be less than 1.67. The impact of the MPDIMA provisions on the work GPCI is illustrated in Table 12.

An impact of these legislative changes to the GPCI can also be demonstrated by a comparison of area geographic adjustment factors (GAFs). The GAFs are a weighted composite of each area's work, practice expense, and malpractice expense GPCIs using the national GPCI cost share weights. While we do not actually use the GAFs in computing the fee schedule payment for a specific service, they are useful in comparing overall area costs and payments. The actual effect on payment for any specific service will deviate from the GAF to the extent that the service's proportions of work, practice expenses, and malpractice expense RVUs differ from those of the GAF. Table 13 shows the effects of the legislative revisions to the GPCIs on area GAFs for 2004. As directed by the legislation no locality will have a work GPCI of less than 1.00 and the work, practice expense and malpractice GPCIs for Alaska are set at 1.67. Tables 12 and 13 are sorted by decreasing percent change in work GPCI and GAF respectively.

TABLE 12

Revised Work GPCI and

Impact 1.0 Percent Work GPCI

Carrier Number	Loc. Number	Locality Name	Current 2004 Work GPCI	Revised 2004 Work GPCI	Percent Change
00831	01	Alaska	1.064	1.670	57.0%
00973	20	Puerto Rico	0.881	1.000	13.5%
00820	02	South Dakota	0.935	1.000	6.9%
00740	99	Rest of Missouri*	0.946	1.000	5.7%
00523	99	Rest of Missouri*	0.946	1.000	5.7%
00655	00	Nebraska	0.948	1.000	5.5%
00751	01	Montana	0.950	1.000	5.2%
00820	01	North Dakota	0.950	1.000	5.2%
00520	13	Arkansas	0.953	1.000	4.9%
00512	00	Mississippi	0.957	1.000	4.5%
00826	00	Iowa	0.959	1.000	4.3%
05130	00	Idaho	0.960	1.000	4.2%
31142	99	Rest of Maine	0.961	1.000	4.0%
00835	99	Rest of Oregon	0.961	1.000	4.0%
00650	00	Kansas*	0.963	1.000	3.8%
00740	04	Kansas*	0.963	1.000	3.8%
00884	16	West Virginia	0.963	1.000	3.8%
00952	99	Rest of Illinois	0.964	1.000	3.7%
00973	50	Virgin Islands	0.965	1.000	3.6%
00900	99	Rest of Texas	0.966	1.000	3.5%
00825	21	Wyoming	0.967	1.000	3.4%
00528	99	Rest of Louisiana	0.968	1.000	3.3%
00522	00	Oklahoma	0.968	1.000	3.3%
00511	99	Rest of Georgia	0.970	1.000	3.1%
00660	00	Kentucky	0.970	1.000	3.1%
05535	00	North Carolina	0.970	1.000	3.1%
00521	05	New Mexico	0.973	1.000	2.8%
31145	50	Vermont	0.973	1.000	2.8%
00880	01	South Carolina	0.974	1.000	2.7%

00590	99	Rest of Florida	0.975	1.000	2.6%
05440	35	Tennessee	0.975	1.000	2.6%
00910	09	Utah	0.976	1.000	2.5%
00510	00	Alabama	0.978	1.000	2.2%
31142	03	Southern Maine	0.979	1.000	2.1%
00630	00	Indiana	0.981	1.000	1.9%
00836	99	Rest of Washington	0.981	1.000	1.9%
00951	00	Wisconsin	0.981	1.000	1.9%
00904	00	Virginia	0.984	1.000	1.6%
00901	99	Rest of Maryland	0.984	1.000	1.6%
00824	01	Colorado	0.985	1.000	1.5%
31144	40	New Hampshire	0.986	1.000	1.4%
00900	31	Austin, TX	0.986	1.000	1.4%
00900	28	Fort Worth, TX	0.987	1.000	1.3%
00952	12	East St. Louis, IL	0.988	1.000	1.2%
00740	02	Metropolitan Kansas City, MO	0.988	1.000	1.2%
00883	00	Ohio	0.988	1.000	1.2%
00900	15	Galveston, TX	0.988	1.000	1.2%
00865	99	Rest of Pennsylvania	0.989	1.000	1.1%
00954	00	Minnesota	0.990	1.000	1.0%
00900	20	Beaumont, TX	0.992	1.000	0.8%
00900	09	Brazoria, TX	0.992	1.000	0.8%
00832	00	Arizona	0.994	1.000	0.6%
00523	01	Metropolitan St. Louis, MO	0.994	1.000	0.6%
00590	03	Fort Lauderdale, FL	0.996	1.000	0.4%
00835	01	Portland, OR	0.996	1.000	0.4%
00833	01	Hawaii/Guam	0.997	1.000	0.3%
00953	99	Rest of Michigan	0.997	1.000	0.3%
00528	01	New Orleans, LA	0.998	1.000	0.2%
00801	99	Rest of New York	0.998	1.000	0.2%
31146	26	Anaheim/Santa Ana, CA	1.037	1.037	0.0%
31146	18	Los Angeles, CA	1.056	1.056	0.0%
31140	03	Marin/Napa/Solano, CA	1.015	1.015	0.0%
31140	07	Oakland/Berkeley, CA	1.041	1.041	0.0%
31140	05	San Francisco, CA	1.068	1.068	0.0%
31140	06	San Mateo, CA	1.048	1.048	0.0%
31140	09	Santa Clara, CA	1.063	1.063	0.0%
31146	17	Ventura, CA	1.028	1.028	0.0%
31146	99	Rest of California*	1.007	1.007	0.0%
31140	99	Rest of California*	1.007	1.007	0.0%
00591	00	Connecticut	1.050	1.050	0.0%
00902	01	Delaware	1.019	1.019	0.0%
00903	01	DC + MD/VA Suburbs	1.050	1.050	0.0%
00590	04	Miami, FL	1.015	1.015	0.0%
00511	01	Atlanta, GA	1.006	1.006	0.0%
00952	16	Chicago, IL	1.028	1.028	0.0%
00952	15	Suburban Chicago, IL	1.006	1.006	0.0%
00901	01	Baltimore/Surr. Cntys, MD	1.021	1.021	0.0%

31143	01	Metropolitan Boston	1.041	1.041	0.0%
31143	99	Rest of Massachusetts	1.010	1.010	0.0%
00953	01	Detroit, MI	1.043	1.043	0.0%
00834	00	Nevada	1.005	1.005	0.0%
00805	01	Northern NJ	1.058	1.058	0.0%
00805	99	Rest of New Jersey	1.029	1.029	0.0%
00803	01	Manhattan, NY	1.094	1.094	0.0%
00803	02	Nyc Suburbs/Long I., NY	1.068	1.068	0.0%
00803	03	Poughkpsie/N Nyc Suburbs, NY	1.011	1.011	0.0%
14330	04	Queens, NY	1.058	1.058	0.0%
00865	01	Metropolitan Philadelphia, PA	1.023	1.023	0.0%
00870	01	Rhode Island	1.017	1.017	0.0%
00900	11	Dallas, TX	1.010	1.010	0.0%
00900	18	Houston, TX	1.020	1.020	0.0%
00836	02	Seattle (King Cnty), WA	1.005	1.005	0.0%

Table 13
Revised Geographic Adjustment Factors

Carrier No.	Locality No.	Locality Name	Current 2004 GAF	Revised 2004 GAF	Legislative Impact
00831	01	Alaska	1.113	1.670	50.0%
00973	20	Puerto Rico	0.784	0.846	7.9%
00820	02	South Dakota	0.889	0.923	3.8%
00740	99	Rest of Missouri*	0.889	0.917	3.2%
00523	99	Rest of Missouri*	0.889	0.917	3.2%
00655	00	Nebraska	0.898	0.925	3.0%
00820	01	North Dakota	0.907	0.933	2.9%
00751	01	Montana	0.913	0.939	2.9%
00520	13	Arkansas	0.885	0.910	2.8%
00512	00	Mississippi	0.896	0.919	2.5%
00826	00	Iowa	0.909	0.930	2.4%
05130	00	Idaho	0.907	0.928	2.3%
31142	99	Rest of Maine	0.927	0.947	2.2%
00835	99	Rest of Oregon	0.929	0.949	2.2%
00650	00	Kansas*	0.925	0.944	2.1%
00740	04	Kansas*	0.925	0.944	2.1%
00884	16	West Virginia	0.933	0.953	2.1%
00952	99	Rest of Illinois	0.940	0.958	2.0%
00900	99	Rest of Texas	0.932	0.950	1.9%
00522	00	Oklahoma	0.907	0.923	1.8%
00973	50	Virgin Islands	0.992	1.010	1.8%
00825	21	Wyoming	0.936	0.953	1.8%
00528	99	Rest of Louisiana	0.929	0.946	1.8%

00660	00	Kentucky	0.921	0.937	1.7%
00511	99	Rest of Georgia	0.935	0.951	1.7%
05535	00	North Carolina	0.939	0.955	1.7%
00521	05	New Mexico	0.938	0.952	1.5%
00880	01	South Carolina	0.919	0.932	1.5%
31145	50	Vermont	0.962	0.976	1.5%
05440	35	Tennessee	0.928	0.941	1.4%
00590	99	Rest of Florida	0.974	0.987	1.3%
00910	09	Utah	0.948	0.961	1.3%
00510	00	Alabama	0.923	0.935	1.2%
31142	03	Southern Maine	0.975	0.986	1.1%
00630	00	Indiana	0.935	0.945	1.1%
00951	00	Wisconsin	0.954	0.964	1.0%
00836	99	Rest of Washington	0.970	0.980	1.0%
00904	00	Virginia	0.947	0.955	0.9%
00901	99	Rest of Maryland	0.970	0.979	0.9%
00824	01	Colorado	0.982	0.990	0.8%
00900	31	Austin, TX	0.988	0.995	0.7%
31144	40	New Hampshire	1.001	1.009	0.7%
00900	28	Fort Worth, TX	0.985	0.992	0.7%
00883	00	Ohio	0.968	0.974	0.6%
00740	02	Metropolitan Kansas City, MO	0.975	0.981	0.6%
00952	12	East St. Louis, IL	0.988	0.995	0.6%
00900	15	Galveston, TX	0.992	0.999	0.6%
00865	99	Rest of Pennsylvania	0.955	0.961	0.6%
00954	00	Minnesota	0.962	0.967	0.5%
00900	20	Beaumont, TX	0.960	0.964	0.4%
00900	09	Brazoria, TX	0.999	1.003	0.4%
00523	01	Metropolitan St. Louis, MO	0.966	0.969	0.3%
00832	00	Arizona	0.991	0.994	0.3%
00835	01	Portland, OR	0.998	1.000	0.2%
00590	03	Fort Lauderdale, FL	1.036	1.038	0.2%
00953	99	Rest of Michigan	0.992	0.994	0.2%
00833	01	Hawaii/Guam	1.046	1.047	0.2%
00801	99	Rest of New York	0.964	0.965	0.1%
00528	01	New Orleans, LA	0.984	0.985	0.1%
31146	26	Anaheim/Santa Ana, CA	1.098	1.098	0.0%
31146	18	Los Angeles, CA	1.088	1.088	0.0%
31140	03	Marin/Napa/Solano, CA	1.104	1.104	0.0%
31140	07	Oakland/Berkeley, CA	1.111	1.111	0.0%
31140	05	San Francisco, CA	1.223	1.223	0.0%
31140	06	San Mateo, CA	1.201	1.201	0.0%
31140	09	Santa Clara, CA	1.184	1.184	0.0%
31146	17	Ventura, CA	1.060	1.060	0.0%
31146	99	Rest of California*	1.008	1.008	0.0%
31140	99	Rest of California*	1.008	1.008	0.0%
00591	00	Connecticut	1.092	1.092	0.0%
00902	01	Delaware	1.018	1.018	0.0%

00903	01	DC + MD/VA Suburbs	1.095	1.095	0.0%
00590	04	Miami, FL	1.085	1.085	0.0%
00511	01	Atlanta, GA	1.027	1.027	0.0%
00952	16	Chicago, IL	1.087	1.087	0.0%
00952	15	Suburban Chicago, IL	1.059	1.059	0.0%
00901	01	Baltimore/Surr. Cntys, MD	1.025	1.025	0.0%
31143	01	Metropolitan Boston	1.118	1.118	0.0%
31143	99	Rest of Massachusetts	1.054	1.054	0.0%
00953	01	Detroit, MI	1.106	1.106	0.0%
00834	00	Nevada	1.025	1.025	0.0%
00805	01	Northern NJ	1.111	1.111	0.0%
00805	99	Rest of New Jersey	1.060	1.060	0.0%
00803	01	Manhattan, NY	1.225	1.225	0.0%
00803	02	Nyc Suburbs/Long I., NY	1.179	1.179	0.0%
00803	03	Poughkpsie/N Nyc Suburbs, NY	1.047	1.047	0.0%
14330	04	Queens, NY	1.161	1.161	0.0%
00865	01	Metropolitan Philadelphia, PA	1.067	1.067	0.0%
00870	01	Rhode Island	1.033	1.033	0.0%
00900	11	Dallas, TX	1.033	1.033	0.0%
00900	18	Houston, TX	1.026	1.026	0.0%
00836	02	Seattle (King Cnty), WA	1.038	1.038	0.0%

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We estimate the cost of the provisions affecting the GPCI will increase Medicare spending by 0.2 billion in FY 2004.

E. Alternatives Considered

For the most part, this interim final implements prescriptive provisions of MPDIMA and the statute does not permit us to exercise our discretion. Nevertheless, the preamble identifies ancillary policies and rationale for our decisions.

For instance, the statutory provisions requiring changes to Medicare's payments for drugs were prescriptive. We did not consider any alternatives because of the clear direction in the statute to determine Medicare prices for drugs in 2004. Similarly, the provisions of the statute with respect to the GPCI were also prescriptive and did not allow for us to consider any alternatives. While we considered using the formula contained in section 1848(d)(4) of the Act to update the physician fee schedule conversion factor, its application would result in a reduction of 4.5 percent and would be inconsistent with the MPDIMA provision requiring an update to the physician fee schedule conversion factor for 2004 of not less than 1.5 percent. With respect to the provisions of this final rule that require changes to Medicare payments for the administration of drugs, we generally did not find that the statute permitted discretion. Nevertheless, earlier in the preamble of this final rule, we provided detailed descriptions of the statutory provisions and its requirements and, where possible, of the alternatives we considered.

F. Impact on Beneficiaries

Although changes in physicians' payments were large when the physician fee schedule was implemented in 1992, we detected no problems with beneficiary access to care. We do not believe that there would be any problem with access to care as a result of the changes in this rule. For the most part, we are increasing payments for physicians fee schedule services that otherwise would be reduced. We don't believe the drug payment changes will have an impact on beneficiary access to services but we will continue to monitor this issue.

We estimate that beneficiary liability will increase in CY 2004 by $1.0 billion for the physician fee schedule provisions relative to current law. Payment changes we are making in this final rule for drug administration will increase beneficiary liability. However, we estimate that the provisions that change Medicare's drug payments to oncologists (section 303 of MPDIMA), other physicians (section 304 of MPDIMA) and inhalation drugs (section 305 of MPDIMA) will offset the additional beneficiary liability for drug administration. We estimate that the net effect of changes to payment for drugs and drug administration will result in savings to beneficiaries of approximately $100 million in CY 2004.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medical devices, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

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

Dated: December 15, 2003.

Thomas A Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: December 24, 2003.

Tommy G. Thompson,

Secretary.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

■ 1. The authority citation for part 405 continues to read as follows:

Authority: Secs. 1102, 1802, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395a, and 1395hh).

■ 2. Section 405.400 is amended by revising the definition of ''physician'' to read as follows:

§ 405.400 Definitions.

* * * * *

Physician means a doctor of medicine; doctor of osteopathy; doctor of dental surgery or of dental medicine; doctor of podiatric medicine; or doctor of optometry who is legally authorized to practice medicine, osteopathy, dental surgery, dental medicine, podiatric medicine, or optometry by the State in which he performs such function and who is acting within the scope of his license when he performs such functions.

* * * * *

■ 3. Section 405.517 is amended by—

■ A. Redesignating the text of paragraph (a) as paragraph (a)(1) and adding a heading;

■ B. Adding a new paragraph (a)(2).

§ 405.517 Payment for drugs and biologicals that are not paid on a cost or prospective payment basis.

(a) *Applicability.* (1) *Payment for drugs and biologicals before January 1, 2004.* * * *

(2) *Payment for drugs and biologicals on or after January 1, 2004.* Effective January 1, 2004, payment for drugs and biologicals that are not paid on a cost or prospective payment basis are paid in accordance with Part 414, subpart I of this chapter.

* * * * *

PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES

■ 4. The authority citation for part 414 continues to read as follows:

Authority: Secs. 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr(b)(1)).

■ 5. The list in § 414.1 is amended by adding a new entry in numerical order as follows:

§ 414.1 Basis and scope.

* * * * *

1842(o)—Rules for payment of certain drugs and biologicals.

* * * * *

■ 6. A new subpart I is added to read as follows:

Subpart I—Payment for Drugs and Biologicals

Sec.
414.701 Purpose.
414.704 Definitions.
414.707 Basis of payment.

§ 414.701 Purpose.

This subpart implements section 1842(o) of the Social Security Act by specifying the methodology for determining the payment allowance limit for drugs and biologicals covered under Part B of Title XVIII of the Act (hereafter in this subpart referred to as the ''program'') that are not paid on a cost or prospective payment system basis. Examples of drugs that are subject to the rules contained in this subpart are: drugs furnished incident to a physician's service; durable medical equipment (DME) drugs; separately billable drugs at independent dialysis facilities not under the ESRD composite rate; statutorily covered drugs, for example, influenza, pneumococcal and hepatitis vaccines, antigens, hemophilia blood clotting factor, immunosuppressive drugs and certain oral anti-cancer drugs.

§ 414.704 Definitions.

As used in this subpart, the following definition applies. *Drug* refers to both drugs and biologicals.

§ 414.707 Basis of payment.

(a) *Method of payment.* (1) Payment for a drug in calendar year 2004 is based on the lesser of—

(i) The actual charge on the claim for program benefits; or

(ii) 85 percent of the average wholesale price determined as of April 1, 2003, subject to the exceptions as specified in paragraphs (a)(2) through (a)(8) of this section.

(2) The payment limits for the following drugs are calculated using 95 percent of the average wholesale price:

(i) Blood clotting factors.

(ii) A drug or biological furnished during 2004 that was not available for Medicare payment as of April 1, 2003.

(iii) Pneumococcal and influenza vaccines as well as hepatitis B vaccine that is furnished to individuals at high or intermediate risk of contracting hepatitis B (as determined by the Secretary).

(iv) A drug or biological furnished during 2004 in connection with the furnishing of renal dialysis services if separately billed by renal dialysis facilities.

(3) The payment limits for infusion drugs furnished through a covered item of durable medical equipment are calculated using 95 percent of the average wholesale price in effect on October 1, 2003.

(4) The payments limits for drugs contained in the following table are calculated based on the percentages of the average wholesale price determined as of April 1, 2003 that are specified in the table.

Drug	Percentage used to calculate 2004 payment limit
EPOETIN ALFA	87
LEUPROLIDE ACETATE	81
GOSERELIN ACETATE	80
RITUXIMAB	81
PACLITAXEL	81
DOCETAXEL	80
CARBOPLATIN	81
IRINOTECAN	80
GEMCITABINE HCL	80
PAMIDRONATE DISODIUM	85
DOLASETRON MESYLATE	80
FILGRASTIM	81
HYLAN G–F 20	82
MYCOPHENOLATE MOFETIL	86
GRANISETRON HCL	80
ONDANSETRON	87
VINORELBINE TARTATE	81
SARGRAMOSTIM	80
TOPOTECAN	84
IPRATROPIUM BROMIDE	80
ALBUTEROL SULFATE	80
IMMUNE GLOBULIN	80
LEUCOVORIN CALCIUM	80
DOXORUBICIN HCL	80
DEXAMETHOSONE SODIUM PHOSPHATE	86
HEPARIN SODIUM LOCK-FLUSH	80
CROMOLYN SODIUM	80
ACETYLCYSTEINE	80

(5) The payment limits for imiglucerase and alglucerase are calculated using 94 percent of the average wholesale price determined as of April 1, 2003.

(6) Exception. The payment limit for a drug otherwise subject to paragraph (a)(1)(ii) or paragraph (a)(4) of this section may be calculated using the percentage of the average wholesale price as the Secretary deems appropriate based on data and information submitted by the drug manufacturer.

(i) The manufacturer must submit data after October 15, 2003 and before January 1, 2004.

(ii) The percentage only applies for drugs furnished on or after April 1, 2004.

(7) In the case of blood and blood products (other than blood clotting factors), the payment limits shall be determined in the same manner as such payment limit was determined on October 1, 2003.

(b) *Mandatory assignment.* Effective with services furnished on or after February 1, 2001, payment for any drug covered under Part B of Medicare may be made on an assignment-related basis only. All billers must accept the program allowed charge as payment in full and may not bill nor collect from the beneficiary any amount other than the unmet Part B deductible and Part B coinsurance amounts, if applicable. Violations of this requirement may subject the supplier to sanctions, as provided by the statute (*See* § 402 of this chapter).

Note: These addenda will not appear in the Code of Federal Regulations.

Addendum A—Explanation and Use of Addenda B

The addenda on the following pages provide various data pertaining to the Medicare fee schedule for physicians' services furnished in 2004. Addendum B contains the RVUs for work, non-facility practice expense, facility practice expense, and malpractice expense, and other information for all services included in the physician fee schedule.

In previous years, we have listed many services in Addendum B that are not paid under the physician fee schedule. To avoid publishing as many pages of codes for these services, we are not including clinical laboratory codes and most alpha-numeric codes (Healthcare Common Procedure Coding System (HCPCS) codes not included in CPT) in Addendum B.

Addendum B—2004 Relative Value Units and Related Information Used in Determining Medicare Payments for 2004

This addendum contains the following information for each CPT code and alphanumeric HCPCS code, except for alphanumeric codes beginning with B (enteral and parenteral therapy), E (durable medical equipment), K (temporary codes for nonphysicians' services or items), or L (orthotics), and codes for anesthesiology.

1. *CPT/HCPCS code.* This is the CPT or alphanumeric HCPCS number for the service. Alphanumeric HCPCS codes are included at the end of this addendum.

2. *Modifier.* A modifier is shown if there is a technical component (modifier TC) and a professional component (PC) (modifier −26) for the service. If there is a PC and a TC for the service, Addendum B contains three entries for the code: One for the global values (both professional and technical); one for modifier −26 (PC); and one for modifier TC. The global service is not designated by a modifier, and physicians must bill using the code without a modifier if the physician furnishes both the PC and the TC of the service.

Modifier −53 is shown for a discontinued procedure. There will be RVUs for the code (CPT code 45378) with this modifier.

3. *Status indicator.* This indicator shows whether the CPT/HCPCS code is in the physician fee schedule and whether it is separately payable if the service is covered.

A = Active code. These codes are separately payable under the fee schedule if covered. There will be RVUs for codes with this status. The presence of an ''A'' indicator does not mean that Medicare has made a national decision regarding the coverage of the service. Carriers remain responsible for coverage decisions in the absence of a national Medicare policy.

B = Bundled code. Payment for covered services is always bundled into payment for other services not specified. If RVUs are shown, they are not used for Medicare payment. If these services are covered, payment for them is subsumed by the payment for the services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient.)

C = Carrier-priced code. Carriers will establish RVUs and payment amounts for these services, generally on a case-by-case basis following review of documentation, such as an operative report.

D = Deleted code. These codes are deleted effective with the beginning of the calendar year.

E = Excluded from physician fee schedule by regulation. These codes are for items or services that we chose to exclude from the physician fee schedule payment by regulation. No RVUs are shown, and no payment may be made under the physician fee schedule for these codes. Payment for them, if they are covered, continues under reasonable charge or other payment procedures.

F = Deleted/discontinued codes. Code not subject to a 90-day grace period.

G = Code not valid for Medicare purposes. Medicare does not recognize codes assigned this status. Medicare uses another code for reporting of, and payment for, these services.

H = Deleted modifier. Either the TC or PC component shown for the code has been deleted, and the deleted component is shown in the data base with the H status indicator. (Code subject to a 90-day grace period.)

I = Not valid for Medicare purposes. Medicare uses another code for the reporting of, and the payment for these services. (Code NOT subject to a 90-day grace period.)

N = Noncovered service. These codes are noncovered services. Medicare payment may not be made for these codes. If RVUs are shown, they are not used for Medicare payment.

P = Bundled or excluded code. There are no RVUs for these services. No separate payment should be made for them under the physician fee schedule.

- If the item or service is covered as incident to a physician's service and is furnished on the same day as a physician's service, payment for it is bundled into the payment for the physician's service to which it is incident (an example is an elastic bandage furnished by a physician incident to a physician's service).
- If the item or service is covered as other than incident to a physician's service, it is excluded from the physician fee schedule (for example, colostomy supplies) and is paid under the other payment provisions of the Act.

R = Restricted coverage. Special coverage instructions apply. If the service is covered and no RVUs are shown, it is carrier-priced.

T = Injections. There are RVUs for these services, but they are only paid if there are no other services payable under the physician fee schedule billed on the same date by the same provider. If any other services payable under the physician fee schedule are billed on the same date by the same provider, these services are bundled into the service(s) for which payment is made.

X = Exclusion by law. These codes represent an item or service that is not within the definition of ''physicians' services'' for physician fee schedule payment purposes. No RVUs are shown for these codes, and no payment may be made under the physician fee schedule. (Examples are ambulance services and clinical diagnostic laboratory services.)

4. *Description of code.* This is an abbreviated version of the narrative description of the code.

5. *Physician work RVUs.* These are the RVUs for the physician work for this service in 2003. Codes that are not used for Medicare payment are identified with a ''+.''

6. *Non-facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for non-facility settings.

7. *Facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for facility settings.

8. *Malpractice expense RVUs.* These are the RVUs for the malpractice expense for the service for 2004.

9. *Non-facility total.* This is the sum of the work, fully implemented non-facility practice expense, and malpractice expense RVUs.

10. *Facility total.* This is the sum of the work, fully implemented facility practice expense, and malpractice expense RVUs.

11. *Global period.* This indicator shows the number of days in the global period for the code (0, 10, or 90 days). An explanation of the alpha codes follows:

MMM = The code describes a service furnished in uncomplicated maternity cases including antepartum care, delivery, and postpartum care. The usual global surgical concept does not apply. See the 1999 Physicians' Current Procedural Terminology for specific definitions.

XXX = The global concept does not apply.

YYY = The global period is to be set by the carrier (for example, unlisted surgery codes).

ZZZ = Code related to another service that is always included in the global period of the other service. (Note: Physician work and practice expense are associated with intra service time and in some instances the post service time.)

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
0001F		I	Blood pressure, measured	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0001T		C	Endovas repr abdo ao aneurys	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0002F		I	Tobacco use, smoking, assess	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0002T		D	endo repair abd aa aorto uni	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0003F		I	Tobacco use, non-smoking	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0003T		C	Cervicography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0004F		I	Tobacco use txmnt counseling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0005F		I	Tobacco use txmnt, pharmacol	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0005T		C	Perc cath stent/brain cv art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0006F		I	Statin therapy, prescribed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0006T		C	Perc cath stent/brain cv art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0007F		I	Beta-blocker thx prescribed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0007T		C	Perc cath stent/brain cv art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0008F		I	Ace inhibitor thx prescribed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0008T		C	Upper gi endoscopy w/suture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0009F		I	Assess anginal symptom/level	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0009T		C	Endometrial cryoablation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0010F		I	Assess anginal symptom/level	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0010T		C	Tb test, gamma interferon	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0011F		I	Oral antiplat thx prescribed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0012T		C	Osteochondral knee autograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0013T		C	Osteochondral knee allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0014T		C	Meniscal transplant, knee	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0016T		C	Thermotx choroid vasc lesion	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0017T		C	Photocoagulat macular drusen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0018T		C	Transcranial magnetic stimul	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0019T		I	Extracorp shock wave tx, ms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0020T		C	Extracorp shock wave tx, ft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0021T		C	Fetal oximetry, trnsvag/cerv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0023T		C	Phenotype drug test, hiv 1	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0024T		C	Transcath cardiac reduction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0025T		D	Ultrasonic pachymetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0026T		C	Measure remnant lipoproteins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0027T		C	Endoscopic epidural lysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0028T		C	Dexa body composition study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0029T		C	Magnetic tx for incontinence	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0030T		C	Antiprothrombin antibody	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0031T		C	Speculoscopy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0032T		C	Speculoscopy w/direct sample	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0033T		C	Endovasc taa repr incl subcl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0034T		C	Endovasc taa repr w/o subcl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0035T		C	Insert endovasc prosth, taa	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0036T		C	Endovasc prosth, taa, add-on	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0037T		C	Artery transpose/endovas taa	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0038T		C	Rad endovasc taa rpr w/cover	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0039T		C	Rad s/i, endovasc taa repair	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0040T		C	Rad s/i, endovasc taa prosth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0041T		C	Detect ur infect agnt w/cpas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0042T		C	Ct perfusion w/contrast, cbf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0043T		C	Co expired gas analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0044T		C	Whole body photography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0045T		C	Whole body photography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0046T		C	Cath lavage, mammary duct(s	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0047T		C	Cath lavage, mammary duct(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0048T		C	Implant ventricular device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0049T		C	External circulation assist	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0050T		C	Removal circulation assist	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0051T		C	Implant total heart system	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0052T		C	Replace component heart syst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0053T		C	Replace component heart syst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0054T		C	Bone surgery using computer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0055T		C	Bone surgery using computer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0056T		C	Bone surgery using computer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0057T		C	Uppr gi scope w/ thrml txmnt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0058T		C	Cryopreservation, ovary tiss	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0059T		C	Cryopreservation, oocyte	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0060T		C	Electrical impedance scan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0061T		C	Destruction of tumor, breast	0.00	0.00	0.00	0.00	0.00	0.00	XXX
10021		A	Fna w/o image	1.27	2.20	0.54	0.08	3.55	1.89	XXX
10022		A	Fna w/image	1.27	2.61	0.42	0.06	3.94	1.75	XXX
10040		A	Acne surgery	1.18	1.02	0.68	0.06	2.26	1.92	010
10060		A	Drainage of skin abscess	1.17	1.20	0.94	0.10	2.47	2.21	010
10061		A	Drainage of skin abscess	2.40	1.81	1.51	0.21	4.42	4.12	010
10080		A	Drainage of pilonidal cyst	1.17	3.13	1.14	0.11	4.41	2.42	010
10081		A	Drainage of pilonidal cyst	2.45	4.11	1.51	0.23	6.79	4.19	010

[1] CPT codes and descriptions only are copyright 2003 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.
[2] Copyright 2003 American Dental Association. All rights reserved.
[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
10120		A	Remove foreign body	1.22	1.46	0.41	0.12	2.80	1.75	010
10121		A	Remove foreign body	2.69	3.33	1.88	0.30	6.32	4.87	010
10140		A	Drainage of hematoma/fluid	1.53	1.51	0.91	0.18	3.22	2.62	010
10160		A	Puncture drainage of lesion	1.20	0.73	0.46	0.13	2.06	1.79	010
10180		A	Complex drainage, wound	2.25	3.25	2.08	0.30	5.80	4.63	010
11000		A	Debride infected skin	0.60	0.57	0.22	0.06	1.23	0.88	000
11001		A	Debride infected skin add-on	0.30	0.23	0.11	0.02	0.55	0.43	ZZZ
11010		A	Debride skin, fx	4.19	6.74	2.33	0.54	11.47	7.06	010
11011		A	Debride skin/muscle, fx	4.94	8.03	2.37	0.64	13.61	7.95	000
11012		A	Debride skin/muscle/bone, fx	6.87	12.01	3.86	1.07	19.95	11.80	000
11040		A	Debride skin, partial	0.50	0.51	0.21	0.06	1.07	0.77	000
11041		A	Debride skin, full	0.82	0.65	0.33	0.07	1.54	1.22	000
11042		A	Debride skin/tissue	1.12	0.97	0.45	0.11	2.20	1.68	000
11043		A	Debride tissue/muscle	2.38	3.41	2.61	0.29	6.08	5.28	010
11044		A	Debride tissue/muscle/bone	3.06	4.50	3.77	0.41	7.97	7.24	010
11055		R	Trim skin lesion	0.43	0.55	0.17	0.02	1.00	0.62	000
11056		R	Trim skin lesions, 2 to 4	0.61	0.63	0.24	0.04	1.28	0.89	000
11057		R	Trim skin lesions, over 4	0.79	0.73	0.31	0.05	1.57	1.15	000
11100		A	Biopsy, skin lesion	0.81	1.26	0.37	0.05	2.12	1.23	000
11101		A	Biopsy, skin add-on	0.41	0.34	0.19	0.02	0.77	0.62	ZZZ
11200		A	Removal of skin tags	0.77	1.06	0.77	0.05	1.88	1.59	010
11201		A	Remove skin tags add-on	0.29	0.16	0.12	0.02	0.47	0.43	ZZZ
11300		A	Shave skin lesion	0.51	1.00	0.22	0.04	1.55	0.77	000
11301		A	Shave skin lesion	0.85	1.12	0.37	0.05	2.02	1.27	000
11302		A	Shave skin lesion	1.05	1.31	0.46	0.06	2.42	1.57	000
11303		A	Shave skin lesion	1.24	1.59	0.52	0.07	2.90	1.83	000
11305		A	Shave skin lesion	0.67	0.84	0.27	0.05	1.56	0.99	000
11306		A	Shave skin lesion	0.99	1.11	0.41	0.06	2.16	1.46	000
11307		A	Shave skin lesion	1.14	1.29	0.49	0.06	2.49	1.69	000
11308		A	Shave skin lesion	1.41	1.45	0.59	0.08	2.94	2.08	000
11310		A	Shave skin lesion	0.73	1.12	0.33	0.05	1.90	1.11	000
11311		A	Shave skin lesion	1.05	1.24	0.48	0.06	2.35	1.59	000
11312		A	Shave skin lesion	1.20	1.44	0.55	0.07	2.71	1.82	000
11313		A	Shave skin lesion	1.62	1.82	0.72	0.11	3.55	2.45	000
11400		A	Exc tr-ext b9+marg 0.5 < cm	0.85	2.00	0.89	0.07	2.92	1.81	010
11401		A	Exc tr-ext b9+marg 0.6-1 cm	1.23	2.07	1.03	0.11	3.41	2.37	010
11402		A	Exc tr-ext b9+marg 1.1-2 cm	1.51	2.25	1.10	0.14	3.90	2.75	010
11403		A	Exc tr-ext b9+marg 2.1-3 cm	1.79	2.42	1.33	0.19	4.40	3.31	010
11404		A	Exc tr-ext b9+marg 3.1-4 cm	2.06	2.73	1.41	0.22	5.01	3.69	010
11406		A	Exc tr-ext b9+marg > 4.0 cm	2.76	3.10	1.67	0.30	6.16	4.73	010
11420		A	Exc h-f-nk-sp b9+marg 0.5 <	0.98	1.77	0.94	0.10	2.85	2.02	010
11421		A	Exc h-f-nk-sp b9+marg 0.6-1	1.42	2.08	1.12	0.13	3.63	2.67	010
11422		A	Exc h-f-nk-sp b9+marg 1.1-2	1.63	2.27	1.34	0.17	4.07	3.14	010
11423		A	Exc h-f-nk-sp b9+marg 2.1-3	2.01	2.61	1.46	0.21	4.83	3.68	010
11424		A	Exc h-f-nk-sp b9+marg 3.1-4	2.43	2.82	1.61	0.25	5.50	4.29	010
11426		A	Exc h-f-nk-sp b9+marg > 4 cm	3.77	3.52	2.11	0.41	7.70	6.29	010
11440		A	Exc face-mm b9+marg 0.5 < cm	1.06	2.28	1.33	0.10	3.44	2.49	010
11441		A	Exc face-mm b9+marg 0.6-1 cm	1.48	2.40	1.51	0.13	4.01	3.12	010
11442		A	Exc face-mm b9+marg 1.1-2 cm	1.72	2.59	1.58	0.17	4.48	3.47	010
11443		A	Exc face-mm b9+marg 2.1-3 cm	2.29	2.97	1.83	0.22	5.48	4.34	010
11444		A	Exc face-mm b9+marg 3.1-4 cm	3.14	3.54	2.19	0.30	6.98	5.63	010
11446		A	Exc face-mm b9+marg > 4 cm	4.48	4.11	2.78	0.36	8.95	7.62	010
11450		A	Removal, sweat gland lesion	2.73	5.11	2.03	0.31	8.15	5.07	090
11451		A	Removal, sweat gland lesion	3.94	6.74	2.56	0.47	11.15	6.97	090
11462		A	Removal, sweat gland lesion	2.51	5.20	2.02	0.28	7.99	4.81	090
11463		A	Removal, sweat gland lesion	3.94	6.96	2.69	0.48	11.38	7.11	090
11470		A	Removal, sweat gland lesion	3.25	5.14	2.27	0.36	8.75	5.88	090
11471		A	Removal, sweat gland lesion	4.40	6.85	2.78	0.48	11.73	7.66	090
11600		A	Exc tr-ext mlg+marg 0.5 < cm	1.31	2.65	0.98	0.11	4.07	2.40	010
11601		A	Exc tr-ext mlg+marg 0.6-1 cm	1.80	2.72	1.23	0.14	4.66	3.17	010
11602		A	Exc tr-ext mlg+marg 1.1-2 cm	1.95	2.86	1.27	0.16	4.97	3.38	010
11603		A	Exc tr-ext mlg+marg 2.1-3 cm	2.19	3.11	1.33	0.19	5.49	3.71	010
11604		A	Exc tr-ext mlg+marg 3.1-4 cm	2.40	3.41	1.40	0.22	6.03	4.02	010
11606		A	Exc tr-ext mlg+marg > 4 cm	3.42	4.11	1.75	0.34	7.87	5.51	010
11620		A	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	2.62	0.96	0.11	3.92	2.26	010
11621		A	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	2.73	1.25	0.14	4.63	3.15	010
11622		A	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	3.00	1.39	0.18	5.27	3.66	010
11623		A	Exc h-f-nk-sp mlg+marg 2.1-3	2.61	3.36	1.59	0.24	6.21	4.44	010
11624		A	Exc h-f-nk-sp mlg+marg 3.1-4	3.06	3.79	1.78	0.30	7.15	5.14	010
11626		A	Exc h-f-nk-sp mlg+mar > 4 cm	4.29	4.70	2.40	0.42	9.41	7.11	010
11640		A	Exc face-mm malig+marg 0.5 <	1.35	2.69	1.12	0.12	4.16	2.59	010
11641		A	Exc face-mm malig+marg 0.6-1	2.16	3.06	1.54	0.18	5.40	3.88	010
11642		A	Exc face-mm malig+marg 1.1-2	2.59	3.44	1.73	0.22	6.25	4.54	010
11643		A	Exc face-mm malig+marg 2.1-3	3.10	3.85	1.96	0.29	7.24	5.35	010
11644		A	Exc face-mm malig+marg 3.1-4	4.02	4.74	2.47	0.40	9.16	6.89	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
11646		A	Exc face-mm mlg+marg > 4 cm	5.94	5.81	3.49	0.55	12.30	9.98	010
11719		R	Trim nail(s)	0.17	0.25	0.07	0.01	0.43	0.25	000
11720		A	Debride nail, 1-5	0.32	0.34	0.13	0.02	0.68	0.47	000
11721		A	Debride nail, 6 or more	0.54	0.43	0.21	0.05	1.02	0.80	000
11730		A	Removal of nail plate	1.13	1.02	0.43	0.11	2.26	1.67	000
11732		A	Remove nail plate, add-on	0.57	0.43	0.22	0.06	1.06	0.85	ZZZ
11740		A	Drain blood from under nail	0.37	0.85	0.14	0.04	1.26	0.55	000
11750		A	Removal of nail bed	1.86	2.13	1.72	0.19	4.18	3.77	010
11752		A	Remove nail bed/finger tip	2.67	2.95	2.95	0.40	6.02	6.02	010
11755		A	Biopsy, nail unit	1.31	1.10	0.54	0.07	2.48	1.92	000
11760		A	Repair of nail bed	1.58	1.84	1.21	0.21	3.63	3.00	010
11762		A	Reconstruction of nail bed	2.89	2.27	1.83	0.39	5.55	5.11	010
11765		A	Excision of nail fold, toe	0.69	1.14	0.52	0.06	1.89	1.27	010
11770		A	Removal of pilonidal lesion	2.61	3.52	1.51	0.29	6.42	4.41	010
11771		A	Removal of pilonidal lesion	5.73	5.70	3.33	0.68	12.11	9.74	090
11772		A	Removal of pilonidal lesion	6.97	7.17	3.87	0.82	14.96	11.66	090
11900		A	Injection into skin lesions	0.52	0.65	0.22	0.02	1.19	0.76	000
11901		A	Added skin lesions injection	0.80	0.66	0.36	0.04	1.50	1.20	000
11920		R	Correct skin color defects	1.61	1.99	0.78	0.21	3.81	2.60	000
11921		R	Correct skin color defects	1.93	2.36	0.98	0.25	4.54	3.16	000
11922		R	Correct skin color defects	0.49	0.37	0.25	0.06	0.92	0.80	ZZZ
11950		R	Therapy for contour defects	0.84	1.15	0.40	0.07	2.06	1.31	000
11951		R	Therapy for contour defects	1.19	1.50	0.51	0.12	2.81	1.82	000
11952		R	Therapy for contour defects	1.69	1.87	0.68	0.21	3.77	2.58	000
11954		R	Therapy for contour defects	1.85	2.44	0.91	0.23	4.52	2.99	000
11960		A	Insert tissue expander(s)	9.07	NA	10.52	1.06	NA	20.65	090
11970		A	Replace tissue expander	7.05	NA	6.10	0.93	NA	14.08	090
11971		A	Remove tissue expander(s)	2.13	7.10	4.76	0.25	9.48	7.14	090
11975		N	Insert contraceptive cap	+1.48	1.42	0.57	0.17	3.07	2.22	XXX
11976		R	Removal of contraceptive cap	1.78	1.70	0.68	0.21	3.69	2.67	000
11977		N	Removal/reinsert contra cap	+3.30	2.27	1.26	0.37	5.94	4.93	XXX
11980		A	Implant hormone pellet(s)	1.48	1.10	0.54	0.12	2.70	2.14	000
11981		A	Insert drug implant device	1.48	1.74	0.68	0.17	3.39	2.33	XXX
11982		A	Remove drug implant device	1.78	1.97	0.84	0.21	3.96	2.83	XXX
11983		A	Remove/insert drug implant	3.30	2.32	1.47	0.37	5.99	5.14	XXX
12001		A	Repair superficial wound(s)	1.70	2.00	0.49	0.16	3.86	2.35	010
12002		A	Repair superficial wound(s)	1.86	2.06	0.93	0.18	4.10	2.97	010
12004		A	Repair superficial wound(s)	2.24	2.36	1.05	0.21	4.81	3.50	010
12005		A	Repair superficial wound(s)	2.86	2.85	1.23	0.28	5.99	4.37	010
12006		A	Repair superficial wound(s)	3.66	3.43	1.54	0.37	7.46	5.57	010
12007		A	Repair superficial wound(s)	4.11	3.86	1.84	0.45	8.42	6.40	010
12011		A	Repair superficial wound(s)	1.76	2.16	0.50	0.17	4.09	2.43	010
12013		A	Repair superficial wound(s)	1.99	2.31	0.97	0.19	4.49	3.15	010
12014		A	Repair superficial wound(s)	2.46	2.61	1.09	0.22	5.29	3.77	010
12015		A	Repair superficial wound(s)	3.19	3.19	1.28	0.29	6.67	4.76	010
12016		A	Repair superficial wound(s)	3.92	3.60	1.56	0.39	7.91	5.87	010
12017		A	Repair superficial wound(s)	4.70	NA	1.91	0.47	NA	7.08	010
12018		A	Repair superficial wound(s)	5.52	NA	2.27	0.55	NA	8.34	010
12020		A	Closure of split wound	2.62	2.65	1.75	0.29	5.56	4.66	010
12021		A	Closure of split wound	1.84	1.74	1.41	0.23	3.81	3.48	010
12031		A	Layer closure of wound(s)	2.15	2.31	0.81	0.18	4.64	3.14	010
12032		A	Layer closure of wound(s)	2.47	3.88	1.84	0.18	6.53	4.49	010
12034		A	Layer closure of wound(s)	2.92	3.17	1.41	0.25	6.34	4.58	010
12035		A	Layer closure of wound(s)	3.42	5.26	2.18	0.36	9.04	5.96	010
12036		A	Layer closure of wound(s)	4.04	5.36	2.38	0.49	9.89	6.91	010
12037		A	Layer closure of wound(s)	4.66	6.41	2.78	0.59	11.66	8.03	010
12041		A	Layer closure of wound(s)	2.37	2.47	0.87	0.21	5.05	3.45	010
12042		A	Layer closure of wound(s)	2.74	3.21	1.37	0.21	6.16	4.32	010
12044		A	Layer closure of wound(s)	3.14	3.20	1.56	0.29	6.63	4.99	010
12045		A	Layer closure of wound(s)	3.63	3.67	2.17	0.41	7.71	6.21	010
12046		A	Layer closure of wound(s)	4.24	6.57	2.76	0.48	11.29	7.48	010
12047		A	Layer closure of wound(s)	4.64	6.42	3.10	0.49	11.55	8.23	010
12051		A	Layer closure of wound(s)	2.47	3.23	1.36	0.19	5.89	4.02	010
12052		A	Layer closure of wound(s)	2.77	3.17	1.34	0.21	6.15	4.32	010
12053		A	Layer closure of wound(s)	3.12	3.22	1.50	0.24	6.58	4.86	010
12054		A	Layer closure of wound(s)	3.45	3.54	1.60	0.30	7.29	5.35	010
12055		A	Layer closure of wound(s)	4.42	4.54	2.14	0.42	9.38	6.98	010
12056		A	Layer closure of wound(s)	5.23	6.76	3.07	0.52	12.51	8.82	010
12057		A	Layer closure of wound(s)	5.95	6.10	3.76	0.60	12.65	10.31	010
13100		A	Repair of wound or lesion	3.12	3.51	1.78	0.25	6.88	5.15	010
13101		A	Repair of wound or lesion	3.91	3.75	2.22	0.27	7.93	6.40	010
13102		A	Repair wound/lesion add-on	1.24	0.74	0.57	0.12	2.10	1.93	ZZZ
13120		A	Repair of wound or lesion	3.30	3.61	1.82	0.28	7.19	5.40	010
13121		A	Repair of wound or lesion	4.32	3.97	2.32	0.30	8.59	6.94	010
13122		A	Repair wound/lesion add-on	1.44	0.87	0.63	0.14	2.45	2.21	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
13131		A	Repair of wound or lesion	3.78	3.88	2.14	0.30	7.96	6.22	010
13132		A	Repair of wound or lesion	5.94	4.68	3.17	0.39	11.01	9.50	010
13133		A	Repair wound/lesion add-on	2.19	1.19	1.03	0.21	3.59	3.43	ZZZ
13150		A	Repair of wound or lesion	3.80	5.50	2.61	0.35	9.65	6.76	010
13151		A	Repair of wound or lesion	4.44	5.40	3.03	0.34	10.18	7.81	010
13152		A	Repair of wound or lesion	6.32	6.08	3.93	0.46	12.86	10.71	010
13153		A	Repair wound/lesion add-on	2.38	1.34	1.14	0.22	3.94	3.74	ZZZ
13160		A	Late closure of wound	10.46	NA	7.14	1.44	NA	19.04	090
14000		A	Skin tissue rearrangement	5.88	8.52	5.12	0.55	14.95	11.55	090
14001		A	Skin tissue rearrangement	8.46	9.94	6.59	0.78	19.18	15.83	090
14020		A	Skin tissue rearrangement	6.58	9.17	5.99	0.60	16.35	13.17	090
14021		A	Skin tissue rearrangement	10.04	10.45	7.74	0.83	21.32	18.61	090
14040		A	Skin tissue rearrangement	7.86	8.25	6.86	0.66	16.77	15.38	090
14041		A	Skin tissue rearrangement	11.47	10.64	8.68	0.86	22.97	21.01	090
14060		A	Skin tissue rearrangement	8.49	9.08	7.69	0.71	18.28	16.89	090
14061		A	Skin tissue rearrangement	12.27	11.66	9.51	0.90	24.83	22.68	090
14300		A	Skin tissue rearrangement	11.74	11.19	9.17	1.06	23.99	21.97	090
14350		A	Skin tissue rearrangement	9.60	NA	7.12	1.31	NA	18.03	090
15000		A	Skin graft	3.99	3.81	2.20	0.45	8.25	6.64	000
15001		A	Skin graft add-on	1.00	1.36	0.41	0.13	2.49	1.54	ZZZ
15050		A	Skin pinch graft	4.29	5.97	4.74	0.55	10.81	9.58	090
15100		A	Skin split graft	9.04	12.63	7.80	1.13	22.80	17.97	090
15101		A	Skin split graft add-on	1.72	3.83	1.66	0.22	5.77	3.60	ZZZ
15120		A	Skin split graft	9.82	10.78	7.77	1.09	21.69	18.68	090
15121		A	Skin split graft add-on	2.67	4.58	1.87	0.33	7.58	4.87	ZZZ
15200		A	Skin full graft	8.02	10.71	6.00	0.88	19.61	14.90	090
15201		A	Skin full graft add-on	1.32	1.04	0.62	0.17	2.53	2.11	ZZZ
15220		A	Skin full graft	7.86	10.59	6.43	0.82	19.27	15.11	090
15221		A	Skin full graft add-on	1.19	0.91	0.56	0.14	2.24	1.89	ZZZ
15240		A	Skin full graft	9.03	10.15	7.65	0.96	20.14	17.64	090
15241		A	Skin full graft add-on	1.86	1.45	0.92	0.21	3.52	2.99	ZZZ
15260		A	Skin full graft	10.04	9.88	8.60	0.76	20.68	19.40	090
15261		A	Skin full graft add-on	2.23	2.72	1.42	0.21	5.16	3.86	ZZZ
15342		A	Cultured skin graft, 25 cm	1.00	1.83	0.55	0.11	2.94	1.66	010
15343		A	Culture skn graft addl 25 cm	0.25	0.27	0.10	0.02	0.54	0.37	ZZZ
15350		A	Skin homograft	3.99	8.22	4.83	0.51	12.72	9.33	090
15351		A	Skin homograft add-on	1.00	0.94	0.39	0.13	2.07	1.52	ZZZ
15400		A	Skin heterograft	3.99	4.18	4.10	0.48	8.65	8.57	090
15401		A	Skin heterograft add-on	1.00	1.22	0.44	0.13	2.35	1.57	ZZZ
15570		A	Form skin pedicle flap	9.20	9.17	6.68	1.16	19.53	17.04	090
15572		A	Form skin pedicle flap	9.26	8.38	6.25	1.12	18.76	16.63	090
15574		A	Form skin pedicle flap	9.87	8.79	6.95	1.11	19.77	17.93	090
15576		A	Form skin pedicle flap	8.68	9.39	6.42	0.87	18.94	15.97	090
15600		A	Skin graft	1.91	7.04	2.70	0.23	9.18	4.84	090
15610		A	Skin graft	2.42	3.73	3.03	0.30	6.45	5.75	090
15620		A	Skin graft	2.94	7.46	3.67	0.34	10.74	6.95	090
15630		A	Skin graft	3.27	6.84	3.93	0.34	10.45	7.54	090
15650		A	Transfer skin pedicle flap	3.96	6.70	4.02	0.43	11.09	8.41	090
15732		A	Muscle-skin graft, head/neck	17.81	18.05	12.22	1.81	37.67	31.84	090
15734		A	Muscle-skin graft, trunk	17.76	17.84	12.34	2.30	37.90	32.40	090
15736		A	Muscle-skin graft, arm	16.25	18.16	11.22	2.15	36.56	29.62	090
15738		A	Muscle-skin graft, leg	17.89	17.93	11.74	2.35	38.17	31.98	090
15740		A	Island pedicle flap graft	10.23	9.81	7.88	0.75	20.79	18.86	090
15750		A	Neurovascular pedicle graft	11.39	NA	9.04	1.40	NA	21.83	090
15756		A	Free myo/skin flap microvasc	35.18	NA	20.69	3.75	NA	59.62	090
15757		A	Free skin flap, microvasc	35.18	NA	21.73	4.06	NA	60.97	090
15758		A	Free fascial flap, microvasc	35.05	NA	21.72	4.25	NA	61.02	090
15760		A	Composite skin graft	8.73	9.71	7.02	0.87	19.31	16.62	090
15770		A	Derma-fat-fascia graft	7.51	NA	6.69	0.94	NA	15.14	090
15775		R	Hair transplant punch grafts	3.95	2.78	1.32	0.52	7.25	5.79	000
15776		R	Hair transplant punch grafts	5.53	5.39	2.81	0.72	11.64	9.06	000
15780		A	Abrasion treatment of skin	7.28	7.07	7.07	0.49	14.84	14.84	090
15781		A	Abrasion treatment of skin	4.84	5.35	5.35	0.33	10.52	10.52	090
15782		A	Abrasion treatment of skin	4.31	4.30	4.30	0.25	8.86	8.86	090
15783		A	Abrasion treatment of skin	4.28	4.92	4.17	0.31	9.51	8.76	090
15786		A	Abrasion, lesion, single	2.03	1.63	1.27	0.13	3.79	3.43	010
15787		A	Abrasion, lesions, add-on	0.33	0.32	0.16	0.02	0.67	0.51	ZZZ
15788		R	Chemical peel, face, epiderm	2.09	3.34	2.27	0.13	5.56	4.49	090
15789		R	Chemical peel, face, dermal	4.91	6.39	4.91	0.33	11.63	10.15	090
15792		R	Chemical peel, nonfacial	1.86	3.16	2.76	0.12	5.14	4.74	090
15793		A	Chemical peel, nonfacial	3.73	NA	4.14	0.21	NA	8.08	090
15810		A	Salabrasion	4.73	3.87	3.87	0.51	9.11	9.11	090
15811		A	Salabrasion	5.38	6.31	5.52	0.63	12.32	11.53	090
15819		A	Plastic surgery, neck	9.37	NA	7.20	0.93	NA	17.50	090
15820		A	Revision of lower eyelid	5.14	6.85	5.34	0.36	12.35	10.84	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
15821		A	Revision of lower eyelid	5.71	7.23	5.52	0.37	13.31	11.60	090
15822		A	Revision of upper eyelid	4.44	5.80	4.36	0.27	10.51	9.07	090
15823		A	Revision of upper eyelid	7.04	7.79	6.24	0.39	15.22	13.67	090
15824		R	Removal of forehead wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15825		R	Removal of neck wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15826		R	Removal of brow wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15828		R	Removal of face wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15829		R	Removal of skin wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15831		A	Excise excessive skin tissue	12.38	NA	8.22	1.57	NA	22.17	090
15832		A	Excise excessive skin tissue	11.57	NA	8.38	1.46	NA	21.41	090
15833		A	Excise excessive skin tissue	10.62	NA	8.24	1.41	NA	20.27	090
15834		A	Excise excessive skin tissue	10.83	NA	7.71	1.42	NA	19.96	090
15835		A	Excise excessive skin tissue	11.65	11.40	7.63	1.36	24.41	20.64	090
15836		A	Excise excessive skin tissue	9.33	NA	6.81	1.15	NA	17.29	090
15837		A	Excise excessive skin tissue	8.42	7.90	7.00	0.94	17.26	16.36	090
15838		A	Excise excessive skin tissue	7.12	NA	6.09	0.70	NA	13.91	090
15839		A	Excise excessive skin tissue	9.37	7.84	6.21	1.06	18.27	16.64	090
15840		A	Graft for face nerve palsy	13.24	NA	10.05	1.39	NA	24.68	090
15841		A	Graft for face nerve palsy	23.23	NA	15.08	3.20	NA	41.51	090
15842		A	Flap for face nerve palsy	37.90	NA	23.01	4.81	NA	65.72	090
15845		A	Skin and muscle repair, face	12.55	NA	9.36	0.96	NA	22.87	090
15850		B	Removal of sutures	+0.78	1.58	0.30	0.05	2.41	1.13	XXX
15851		A	Removal of sutures	0.86	1.72	0.34	0.06	2.64	1.26	000
15852		A	Dressing change not for burn	0.86	1.87	0.36	0.08	2.81	1.30	000
15860		A	Test for blood flow in graft	1.95	1.28	0.79	0.16	3.39	2.90	000
15876		R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15877		R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15878		R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15879		R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15920		A	Removal of tail bone ulcer	7.94	NA	5.61	1.00	NA	14.55	090
15922		A	Removal of tail bone ulcer	9.89	NA	7.31	1.28	NA	18.48	090
15931		A	Remove sacrum pressure sore	9.23	NA	5.75	1.15	NA	16.13	090
15933		A	Remove sacrum pressure sore	10.83	NA	7.94	1.37	NA	20.14	090
15934		A	Remove sacrum pressure sore	12.67	NA	8.15	1.63	NA	22.45	090
15935		A	Remove sacrum pressure sore	14.55	NA	10.40	1.88	NA	26.83	090
15936		A	Remove sacrum pressure sore	12.36	NA	8.36	1.59	NA	22.31	090
15937		A	Remove sacrum pressure sore	14.19	NA	9.96	1.82	NA	25.97	090
15940		A	Remove hip pressure sore	9.33	NA	6.23	1.18	NA	16.74	090
15941		A	Remove hip pressure sore	11.41	NA	9.58	1.48	NA	22.47	090
15944		A	Remove hip pressure sore	11.44	NA	8.70	1.46	NA	21.60	090
15945		A	Remove hip pressure sore	12.67	NA	9.74	1.66	NA	24.07	090
15946		A	Remove hip pressure sore	21.54	NA	14.41	2.80	NA	38.75	090
15950		A	Remove thigh pressure sore	7.53	NA	5.47	0.96	NA	13.96	090
15951		A	Remove thigh pressure sore	10.70	NA	7.95	1.37	NA	20.02	090
15952		A	Remove thigh pressure sore	11.37	NA	7.83	1.44	NA	20.64	090
15953		A	Remove thigh pressure sore	12.61	NA	9.07	1.66	NA	23.34	090
15956		A	Remove thigh pressure sore	15.50	NA	10.85	1.98	NA	28.33	090
15958		A	Remove thigh pressure sore	15.46	NA	11.13	2.00	NA	28.59	090
15999		C	Removal of pressure sore	0.00	0.00	0.00	0.00	0.00	0.00	YYY
16000		A	Initial treatment of burn(s)	0.89	0.86	0.27	0.07	1.82	1.23	000
16010		A	Treatment of burn(s)	0.87	0.66	0.63	0.08	1.61	1.58	000
16015		A	Treatment of burn(s)	2.35	NA	1.15	0.27	NA	3.77	000
16020		A	Treatment of burn(s)	0.80	1.31	0.61	0.07	2.18	1.48	000
16025		A	Treatment of burn(s)	1.85	1.79	0.97	0.19	3.83	3.01	000
16030		A	Treatment of burn(s)	2.08	2.20	1.12	0.22	4.50	3.42	000
16035		A	Incision of burn scab, initi	3.74	NA	1.47	0.43	NA	5.64	090
16036		A	Escharotomy; add'l incision	1.50	NA	0.60	0.13	NA	2.23	ZZZ
17000		A	Destroy benign/premlg lesion	0.60	0.98	0.32	0.04	1.62	0.96	010
17003		A	Destroy lesions, 2-14	0.15	0.11	0.07	0.01	0.27	0.23	ZZZ
17004		A	Destroy lesions, 15 or more	2.79	2.32	1.29	0.14	5.25	4.22	010
17106		A	Destruction of skin lesions	4.58	4.87	3.34	0.34	9.79	8.26	090
17107		A	Destruction of skin lesions	9.15	7.52	5.45	0.64	17.31	15.24	090
17108		A	Destruction of skin lesions	13.18	9.68	7.68	1.07	23.93	21.93	090
17110		A	Destruct lesion, 1-14	0.65	1.63	0.49	0.05	2.33	1.19	010
17111		A	Destruct lesion, 15 or more	0.92	1.68	0.59	0.05	2.65	1.56	010
17250		A	Chemical cautery, tissue	0.50	1.23	0.35	0.05	1.78	0.90	000
17260		A	Destruction of skin lesions	0.91	1.28	0.44	0.05	2.24	1.40	010
17261		A	Destruction of skin lesions	1.17	1.62	0.59	0.06	2.85	1.82	010
17262		A	Destruction of skin lesions	1.58	1.89	0.78	0.08	3.55	2.44	010
17263		A	Destruction of skin lesions	1.79	2.07	0.86	0.10	3.96	2.75	010
17264		A	Destruction of skin lesions	1.94	2.23	0.89	0.10	4.27	2.93	010
17266		A	Destruction of skin lesions	2.34	2.53	0.99	0.13	5.00	3.46	010
17270		A	Destruction of skin lesions	1.32	1.71	0.64	0.07	3.10	2.03	010
17271		A	Destruction of skin lesions	1.49	1.79	0.74	0.07	3.35	2.30	010
17272		A	Destruction of skin lesions	1.77	2.00	0.88	0.08	3.85	2.73	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
17273		A	Destruction of skin lesions	2.05	2.21	0.99	0.11	4.37	3.15	010
17274		A	Destruction of skin lesions	2.59	2.58	1.20	0.13	5.30	3.92	010
17276		A	Destruction of skin lesions	3.20	2.97	1.44	0.18	6.35	4.82	010
17280		A	Destruction of skin lesions	1.17	1.62	0.57	0.06	2.85	1.80	010
17281		A	Destruction of skin lesions	1.72	1.91	0.86	0.08	3.71	2.66	010
17282		A	Destruction of skin lesions	2.04	2.17	1.01	0.11	4.32	3.16	010
17283		A	Destruction of skin lesions	2.64	2.56	1.25	0.13	5.33	4.02	010
17284		A	Destruction of skin lesions	3.21	2.94	1.52	0.17	6.32	4.90	010
17286		A	Destruction of skin lesions	4.43	3.71	2.19	0.27	8.41	6.89	010
17304		A	1 stage mohs, up to 5 spec	7.59	8.09	3.57	0.37	16.05	11.53	000
17305		A	2 stage mohs, up to 5 spec	2.85	3.81	1.34	0.14	6.80	4.33	000
17306		A	3 stage mohs, up to 5 spec	2.85	3.83	1.35	0.14	6.82	4.34	000
17307		A	Mohs addl stage up to 5 spec	2.85	3.78	1.37	0.14	6.77	4.36	000
17310		A	Mohs any stage > 5 spec each	0.95	1.65	0.46	0.06	2.66	1.47	ZZZ
17340		A	Cryotherapy of skin	0.76	0.37	0.31	0.05	1.18	1.12	010
17360		A	Skin peel therapy	1.43	1.46	0.75	0.07	2.96	2.25	010
17380		R	Hair removal by electrolysis	0.00	0.00	0.00	0.00	0.00	0.00	000
17999		C	Skin tissue procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
19000		A	Drainage of breast lesion	0.84	2.03	0.36	0.08	2.95	1.28	000
19001		A	Drain breast lesion add-on	0.42	0.79	0.14	0.04	1.25	0.60	ZZZ
19020		A	Incision of breast lesion	3.56	6.00	2.77	0.42	9.98	6.75	090
19030		A	Injection for breast x-ray	1.53	3.37	0.50	0.08	4.98	2.11	000
19100		A	Bx breast percut w/o image	1.27	2.15	0.42	0.12	3.54	1.81	000
19101		A	Biopsy of breast, open	3.18	4.69	1.68	0.24	8.11	5.10	010
19102		A	Bx breast percut w/image	2.00	3.98	0.66	0.16	6.14	2.82	000
19103		A	Bx breast percut w/device	3.69	12.07	1.23	0.19	15.95	5.11	000
19110		A	Nipple exploration	4.29	5.82	3.06	0.53	10.64	7.88	090
19112		A	Excise breast duct fistula	3.66	5.80	2.68	0.46	9.92	6.80	090
19120		A	Removal of breast lesion	5.55	4.58	3.08	0.68	10.81	9.31	090
19125		A	Excision, breast lesion	6.05	4.83	3.30	0.74	11.62	10.09	090
19126		A	Excision, addl breast lesion	2.93	NA	1.01	0.36	NA	4.30	ZZZ
19140		A	Removal of breast tissue	5.13	7.29	3.42	0.63	13.05	9.18	090
19160		A	Removal of breast tissue	5.98	NA	3.45	0.74	NA	10.17	090
19162		A	Remove breast tissue, nodes	13.51	NA	6.38	1.66	NA	21.55	090
19180		A	Removal of breast	8.79	NA	5.06	1.06	NA	14.91	090
19182		A	Removal of breast	7.72	NA	4.81	0.95	NA	13.48	090
19200		A	Removal of breast	15.47	NA	8.04	1.82	NA	25.33	090
19220		A	Removal of breast	15.70	NA	8.30	1.88	NA	25.88	090
19240		A	Removal of breast	15.98	NA	8.28	1.95	NA	26.21	090
19260		A	Removal of chest wall lesion	15.42	NA	11.30	1.98	NA	28.70	090
19271		A	Revision of chest wall	18.87	NA	18.23	2.74	NA	39.84	090
19272		A	Extensive chest wall surgery	21.52	NA	19.18	3.06	NA	43.76	090
19290		A	Place needle wire, breast	1.27	3.01	0.41	0.07	4.35	1.75	000
19291		A	Place needle wire, breast	0.63	1.75	0.21	0.04	2.42	0.88	ZZZ
19295		A	Place breast clip, percut	0.00	2.77	NA	0.01	2.78	NA	ZZZ
19316		A	Suspension of breast	10.67	NA	7.59	1.39	NA	19.65	090
19318		A	Reduction of large breast	15.60	NA	11.20	2.04	NA	28.84	090
19324		A	Enlarge breast	5.84	NA	4.92	0.76	NA	11.52	090
19325		A	Enlarge breast with implant	8.44	NA	6.59	1.09	NA	16.12	090
19328		A	Removal of breast implant	5.67	NA	5.07	0.74	NA	11.48	090
19330		A	Removal of implant material	7.58	NA	6.07	0.98	NA	14.63	090
19340		A	Immediate breast prosthesis	6.32	NA	3.12	0.82	NA	10.26	ZZZ
19342		A	Delayed breast prosthesis	11.18	NA	8.97	1.46	NA	21.61	090
19350		A	Breast reconstruction	8.91	14.20	7.11	1.15	24.26	17.17	090
19355		A	Correct inverted nipple(s)	7.56	12.80	5.00	0.96	21.32	13.52	090
19357		A	Breast reconstruction	18.13	NA	13.85	2.36	NA	34.34	090
19361		A	Breast reconstruction	19.23	NA	11.78	2.51	NA	33.52	090
19364		A	Breast reconstruction	40.94	NA	23.64	4.72	NA	69.30	090
19366		A	Breast reconstruction	21.25	NA	11.23	2.74	NA	35.22	090
19367		A	Breast reconstruction	25.69	NA	16.57	3.35	NA	45.61	090
19368		A	Breast reconstruction	32.37	NA	20.26	4.23	NA	56.86	090
19369		A	Breast reconstruction	29.78	NA	19.79	3.91	NA	53.48	090
19370		A	Surgery of breast capsule	8.04	NA	6.95	1.04	NA	16.03	090
19371		A	Removal of breast capsule	9.34	NA	7.87	1.22	NA	18.43	090
19380		A	Revise breast reconstruction	9.13	NA	7.76	1.18	NA	18.07	090
19396		A	Design custom breast implant	2.17	5.78	0.99	0.28	8.23	3.44	000
19499		C	Breast surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
20000		A	Incision of abscess	2.12	2.36	1.61	0.21	4.69	3.94	010
20005		A	Incision of deep abscess	3.41	3.34	2.12	0.41	7.16	5.94	010
20100		A	Explore wound, neck	10.06	5.79	4.38	1.19	17.04	15.63	010
20101		A	Explore wound, chest	3.22	2.96	1.61	0.29	6.47	5.12	010
20102		A	Explore wound, abdomen	3.93	3.51	1.80	0.42	7.86	6.15	010
20103		A	Explore wound, extremity	5.29	4.14	3.23	0.69	10.12	9.21	010
20150		A	Excise epiphyseal bar	13.67	NA	7.21	1.16	NA	22.04	090
20200		A	Muscle biopsy	1.46	3.19	0.78	0.21	4.86	2.45	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
20205		A	Deep muscle biopsy	2.35	4.14	1.21	0.28	6.77	3.84	000
20206		A	Needle biopsy, muscle	0.99	3.17	0.35	0.07	4.23	1.41	000
20220		A	Bone biopsy, trocar/needle	1.27	4.73	2.69	0.07	6.07	4.03	000
20225		A	Bone biopsy, trocar/needle	1.87	4.92	2.96	0.13	6.92	4.96	000
20240		A	Bone biopsy, excisional	3.23	NA	2.60	0.40	NA	6.23	010
20245		A	Bone biopsy, excisional	7.77	NA	6.36	0.53	NA	14.66	010
20250		A	Open bone biopsy	5.02	NA	4.54	0.60	NA	10.16	010
20251		A	Open bone biopsy	5.55	NA	5.17	0.95	NA	11.67	010
20500		A	Injection of sinus tract	1.23	5.88	3.89	0.12	7.23	5.24	010
20501		A	Inject sinus tract for x-ray	0.76	3.03	0.25	0.04	3.83	1.05	000
20520		A	Removal of foreign body	1.85	2.25	1.81	0.21	4.31	3.87	010
20525		A	Removal of foreign body	3.49	3.43	2.66	0.48	7.40	6.63	010
20526		A	Ther injection, carp tunnel	0.94	0.97	0.51	0.07	1.98	1.52	000
20550		A	Inj tendon sheath/ligament	0.75	0.71	0.24	0.07	1.53	1.06	000
20551		A	Inj tendon origin/insertion	0.75	0.68	0.34	0.07	1.50	1.16	000
20552		A	Inj trigger point, 1/2 muscl	0.66	0.73	0.21	0.07	1.46	0.94	000
20553		A	Inject trigger points, =/> 3	0.75	0.84	0.23	0.07	1.66	1.05	000
20600		A	Drain/inject, joint/bursa	0.66	0.64	0.36	0.07	1.37	1.09	000
20605		A	Drain/inject, joint/bursa	0.68	0.75	0.37	0.07	1.50	1.12	000
20610		A	Drain/inject, joint/bursa	0.79	0.94	0.41	0.10	1.83	1.30	000
20612		A	Aspirate/inj ganglion cyst	0.70	0.71	0.34	0.07	1.48	1.11	000
20615		A	Treatment of bone cyst	2.28	2.54	1.83	0.23	5.05	4.34	010
20650		A	Insert and remove bone pin	2.23	2.42	1.94	0.34	4.99	4.51	010
20660		A	Apply, rem fixation device	2.51	3.07	1.70	0.58	6.16	4.79	000
20661		A	Application of head brace	4.88	NA	4.95	1.11	NA	10.94	090
20662		A	Application of pelvis brace	6.06	NA	5.43	0.98	NA	12.47	090
20663		A	Application of thigh brace	5.42	NA	4.76	0.93	NA	11.11	090
20664		A	Halo brace application	8.05	NA	7.03	1.80	NA	16.88	090
20665		A	Removal of fixation device	1.31	2.05	1.30	0.21	3.57	2.82	010
20670		A	Removal of support implant	1.74	6.69	3.93	0.28	8.71	5.95	010
20680		A	Removal of support implant	3.34	3.22	3.22	0.55	7.11	7.11	090
20690		A	Apply bone fixation device	3.51	NA	2.47	0.57	NA	6.55	090
20692		A	Apply bone fixation device	6.40	NA	3.73	0.72	NA	10.85	090
20693		A	Adjust bone fixation device	5.85	NA	5.54	1.03	NA	12.42	090
20694		A	Remove bone fixation device	4.15	6.86	4.49	0.69	11.70	9.33	090
20802		A	Replantation, arm, complete	41.09	NA	21.40	7.01	NA	69.50	090
20805		A	Replant forearm, complete	49.93	NA	35.06	4.76	NA	89.75	090
20808		A	Replantation hand, complete	61.56	NA	43.43	7.83	NA	112.82	090
20816		A	Replantation digit, complete	30.89	NA	39.17	3.63	NA	73.69	090
20822		A	Replantation digit, complete	25.55	NA	35.90	3.70	NA	65.15	090
20824		A	Replantation thumb, complete	30.89	NA	38.12	4.20	NA	73.21	090
20827		A	Replantation thumb, complete	26.37	NA	37.95	3.87	NA	68.19	090
20838		A	Replantation foot, complete	41.35	NA	22.70	7.06	NA	71.11	090
20900		A	Removal of bone for graft	5.57	7.31	5.79	0.93	13.81	12.29	090
20902		A	Removal of bone for graft	7.54	NA	6.86	1.28	NA	15.68	090
20910		A	Remove cartilage for graft	5.33	7.11	5.44	0.60	13.04	11.37	090
20912		A	Remove cartilage for graft	6.34	NA	6.09	0.66	NA	13.09	090
20920		A	Removal of fascia for graft	5.30	NA	4.37	0.65	NA	10.32	090
20922		A	Removal of fascia for graft	6.60	6.73	5.06	1.06	14.39	12.72	090
20924		A	Removal of tendon for graft	6.47	NA	5.92	0.99	NA	13.38	090
20926		A	Removal of tissue for graft	5.52	NA	4.93	0.88	NA	11.33	090
20930		B	Spinal bone allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20931		A	Spinal bone allograft	1.81	NA	0.93	0.41	NA	3.15	ZZZ
20936		B	Spinal bone autograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20937		A	Spinal bone autograft	2.79	NA	1.46	0.52	NA	4.77	ZZZ
20938		A	Spinal bone autograft	3.02	NA	1.56	0.63	NA	5.21	ZZZ
20950		A	Fluid pressure, muscle	1.26	1.36	1.01	0.19	2.81	2.46	000
20955		A	Fibula bone graft, microvasc	39.15	NA	25.01	5.25	NA	69.41	090
20956		A	Iliac bone graft, microvasc	39.21	NA	24.86	6.96	NA	71.03	090
20957		A	Mt bone graft, microvasc	40.59	NA	19.08	6.92	NA	66.59	090
20962		A	Other bone graft, microvasc	39.21	NA	26.41	6.26	NA	71.88	090
20969		A	Bone/skin graft, microvasc	43.85	NA	27.48	5.23	NA	76.56	090
20970		A	Bone/skin graft, iliac crest	43.00	NA	25.84	5.60	NA	74.44	090
20972		A	Bone/skin graft, metatarsal	42.93	21.79	20.14	7.32	72.04	70.39	090
20973		A	Bone/skin graft, great toe	45.69	NA	25.29	5.61	NA	76.59	090
20974		A	Electrical bone stimulation	0.62	0.62	0.55	0.11	1.35	1.28	000
20975		A	Electrical bone stimulation	2.60	NA	1.73	0.51	NA	4.84	000
20979		A	Us bone stimulation	0.62	0.77	0.34	0.05	1.44	1.01	000
20982		A	Ablate, bone tumor(s) perq	7.27	105.35	2.99	0.69	113.31	10.95	000
20999		C	Musculoskeletal surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21010		A	Incision of jaw joint	10.12	NA	7.25	0.65	NA	18.02	090
21015		A	Resection of facial tumor	5.28	NA	5.53	0.63	NA	11.44	090
21025		A	Excision of bone, lower jaw	10.04	10.20	8.21	0.95	21.19	19.20	090
21026		A	Excision of facial bone(s)	4.84	6.94	5.53	0.48	12.26	10.85	090
21029		A	Contour of face bone lesion	7.70	8.60	6.27	0.89	17.19	14.86	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
21030		A	Excise max/zygoma b9 tumor	4.49	6.84	4.31	0.72	12.05	9.52	090
21031		A	Remove exostosis, mandible	3.24	4.58	3.14	0.34	8.16	6.72	090
21032		A	Remove exostosis, maxilla	3.24	4.63	3.25	0.33	8.20	6.82	090
21034		A	Excise max/zygoma mlg tumor	16.15	13.56	11.32	1.65	31.36	29.12	090
21040		A	Excise mandible lesion	4.49	6.87	4.14	0.23	11.59	8.86	090
21044		A	Removal of jaw bone lesion	11.84	NA	8.68	1.05	NA	21.57	090
21045		A	Extensive jaw surgery	16.15	NA	11.43	1.45	NA	29.03	090
21046		A	Remove mandible cyst complex	12.98	NA	12.69	1.22	NA	26.89	090
21047		A	Excise lwr jaw cyst w/repair	18.72	NA	13.44	1.85	NA	34.01	090
21048		A	Remove maxilla cyst complex	13.48	NA	12.97	1.22	NA	27.67	090
21049		A	Excis uppr jaw cyst w/repair	17.97	NA	13.03	1.22	NA	32.22	090
21050		A	Removal of jaw joint	10.75	NA	10.26	1.01	NA	22.02	090
21060		A	Remove jaw joint cartilage	10.21	NA	9.80	1.40	NA	21.41	090
21070		A	Remove coronoid process	8.19	NA	7.03	0.81	NA	16.03	090
21076		A	Prepare face/oral prosthesis	13.40	12.71	10.17	1.64	27.75	25.21	010
21077		A	Prepare face/oral prosthesis	33.70	32.20	26.20	4.14	70.04	64.04	090
21079		A	Prepare face/oral prosthesis	22.31	22.21	17.49	1.92	46.44	41.72	090
21080		A	Prepare face/oral prosthesis	25.06	25.22	19.77	3.08	53.36	47.91	090
21081		A	Prepare face/oral prosthesis	22.85	22.95	17.79	2.26	48.06	42.90	090
21082		A	Prepare face/oral prosthesis	20.84	19.88	15.99	1.76	42.48	38.59	090
21083		A	Prepare face/oral prosthesis	19.27	19.35	14.73	2.36	40.98	36.36	090
21084		A	Prepare face/oral prosthesis	22.48	22.71	17.68	1.89	47.08	42.05	090
21085		A	Prepare face/oral prosthesis	8.99	8.52	6.88	0.78	18.29	16.65	010
21086		A	Prepare face/oral prosthesis	24.88	24.30	19.60	2.24	51.42	46.72	090
21087		A	Prepare face/oral prosthesis	24.88	23.89	19.41	2.68	51.45	46.97	090
21088		C	Prepare face/oral prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	090
21089		C	Prepare face/oral prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	090
21100		A	Maxillofacial fixation	4.21	5.62	4.62	0.22	10.05	9.05	090
21110		A	Interdental fixation	5.20	7.02	5.66	0.34	12.56	11.20	090
21116		A	Injection, jaw joint x-ray	0.81	7.32	0.34	0.06	8.19	1.21	000
21120		A	Reconstruction of chin	4.92	8.83	5.30	0.35	14.10	10.57	090
21121		A	Reconstruction of chin	7.63	10.43	6.65	0.68	18.74	14.96	090
21122		A	Reconstruction of chin	8.51	NA	7.08	0.71	NA	16.30	090
21123		A	Reconstruction of chin	11.14	NA	8.26	1.40	NA	20.80	090
21125		A	Augmentation, lower jaw bone	10.60	11.82	8.28	0.87	23.29	19.75	090
21127		A	Augmentation, lower jaw bone	11.10	14.52	9.11	0.92	26.54	21.13	090
21137		A	Reduction of forehead	9.81	NA	7.44	0.64	NA	17.89	090
21138		A	Reduction of forehead	12.17	NA	9.31	1.77	NA	23.25	090
21139		A	Reduction of forehead	14.59	NA	9.78	1.23	NA	25.60	090
21141		A	Reconstruct midface, lefort	18.07	NA	13.88	1.97	NA	33.92	090
21142		A	Reconstruct midface, lefort	18.78	NA	13.08	1.40	NA	33.26	090
21143		A	Reconstruct midface, lefort	19.55	NA	14.09	1.09	NA	34.73	090
21145		A	Reconstruct midface, lefort	19.91	NA	14.15	2.52	NA	36.58	090
21146		A	Reconstruct midface, lefort	20.68	NA	15.59	2.57	NA	38.84	090
21147		A	Reconstruct midface, lefort	21.74	NA	15.29	1.83	NA	38.86	090
21150		A	Reconstruct midface, lefort	25.20	NA	14.12	1.31	NA	40.63	090
21151		A	Reconstruct midface, lefort	28.26	NA	17.92	2.39	NA	48.57	090
21154		A	Reconstruct midface, lefort	30.47	NA	20.18	5.86	NA	56.51	090
21155		A	Reconstruct midface, lefort	34.40	NA	22.30	6.61	NA	63.31	090
21159		A	Reconstruct midface, lefort	42.32	NA	24.47	8.13	NA	74.92	090
21160		A	Reconstruct midface, lefort	46.37	NA	24.41	5.29	NA	76.07	090
21172		A	Reconstruct orbit/forehead	27.76	NA	14.07	2.30	NA	44.13	090
21175		A	Reconstruct orbit/forehead	33.12	NA	18.31	6.22	NA	57.65	090
21179		A	Reconstruct entire forehead	22.22	NA	14.86	2.99	NA	40.07	090
21180		A	Reconstruct entire forehead	25.15	NA	16.07	2.59	NA	43.81	090
21181		A	Contour cranial bone lesion	9.89	NA	7.81	1.17	NA	18.87	090
21182		A	Reconstruct cranial bone	32.14	NA	19.66	3.05	NA	54.85	090
21183		A	Reconstruct cranial bone	35.26	NA	21.36	3.32	NA	59.94	090
21184		A	Reconstruct cranial bone	38.18	NA	22.55	4.97	NA	65.70	090
21188		A	Reconstruction of midface	22.43	NA	15.18	2.23	NA	39.84	090
21193		A	Reconst lwr jaw w/o graft	17.12	NA	12.97	1.85	NA	31.94	090
21194		A	Reconst lwr jaw w/graft	19.81	NA	14.06	1.68	NA	35.55	090
21195		A	Reconst lwr jaw w/o fixation	17.21	NA	13.26	1.45	NA	31.92	090
21196		A	Reconst lwr jaw w/fixation	18.88	NA	13.88	1.95	NA	34.71	090
21198		A	Reconstr lwr jaw segment	14.14	NA	10.90	1.27	NA	26.31	090
21199		A	Reconstr lwr jaw w/advance	15.98	NA	9.19	1.52	NA	26.69	090
21206		A	Reconstruct upper jaw bone	14.08	NA	10.81	1.22	NA	26.11	090
21208		A	Augmentation of facial bones	10.21	14.49	9.28	1.11	25.81	20.60	090
21209		A	Reduction of facial bones	6.71	11.89	7.23	0.72	19.32	14.66	090
21210		A	Face bone graft	10.21	13.69	9.41	1.06	24.96	20.68	090
21215		A	Lower jaw bone graft	10.75	13.48	9.61	1.25	25.48	21.61	090
21230		A	Rib cartilage graft	10.75	NA	8.57	1.16	NA	20.48	090
21235		A	Ear cartilage graft	6.71	11.37	7.10	0.63	18.71	14.44	090
21240		A	Reconstruction of jaw joint	14.03	NA	12.70	1.39	NA	28.12	090
21242		A	Reconstruction of jaw joint	12.93	NA	12.21	1.69	NA	26.83	090

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
21243		A	Reconstruction of jaw joint	20.76	NA	17.87	2.23	NA	40.86	090
21244		A	Reconstruction of lower jaw	11.84	NA	10.06	1.15	NA	23.05	090
21245		A	Reconstruction of jaw	11.84	16.10	9.73	1.06	29.00	22.63	090
21246		A	Reconstruction of jaw	12.45	14.55	9.85	1.46	28.46	23.76	090
21247		A	Reconstruct lower jaw bone	22.60	NA	17.93	2.67	NA	43.20	090
21248		A	Reconstruction of jaw	11.46	13.02	9.31	1.22	25.70	21.99	090
21249		A	Reconstruction of jaw	17.49	16.58	12.66	1.68	35.75	31.83	090
21255		A	Reconstruct lower jaw bone	16.69	NA	12.78	1.36	NA	30.83	090
21256		A	Reconstruction of orbit	16.17	NA	12.17	1.25	NA	29.59	090
21260		A	Revise eye sockets	16.50	NA	8.96	1.51	NA	26.97	090
21261		A	Revise eye sockets	31.44	NA	19.21	2.65	NA	53.30	090
21263		A	Revise eye sockets	28.38	NA	12.86	2.61	NA	43.85	090
21267		A	Revise eye sockets	18.87	NA	13.22	1.63	NA	33.72	090
21268		A	Revise eye sockets	24.44	NA	15.32	0.95	NA	40.71	090
21270		A	Augmentation, cheek bone	10.21	11.90	8.10	0.88	22.99	19.19	090
21275		A	Revision, orbitofacial bones	11.22	NA	8.74	1.24	NA	21.20	090
21280		A	Revision of eyelid	6.02	NA	6.07	0.33	NA	12.42	090
21282		A	Revision of eyelid	3.48	NA	4.68	0.25	NA	8.41	090
21295		A	Revision of jaw muscle/bone	1.53	NA	2.82	0.16	NA	4.51	090
21296		A	Revision of jaw muscle/bone	4.24	NA	4.43	0.36	NA	9.03	090
21299		C	Cranio/maxillofacial surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21300		A	Treatment of skull fracture	0.72	2.38	0.26	0.11	3.21	1.09	000
21310		A	Treatment of nose fracture	0.58	2.34	0.15	0.06	2.98	0.79	000
21315		A	Treatment of nose fracture	1.51	3.03	1.27	0.14	4.68	2.92	010
21320		A	Treatment of nose fracture	1.85	4.25	1.84	0.18	6.28	3.87	010
21325		A	Treatment of nose fracture	3.76	NA	3.75	0.37	NA	7.88	090
21330		A	Treatment of nose fracture	5.37	NA	5.28	0.58	NA	11.23	090
21335		A	Treatment of nose fracture	8.60	NA	6.81	0.77	NA	16.18	090
21336		A	Treat nasal septal fracture	5.71	NA	6.07	0.54	NA	12.32	090
21337		A	Treat nasal septal fracture	2.70	5.11	3.69	0.27	8.08	6.66	090
21338		A	Treat nasoethmoid fracture	6.45	NA	5.99	0.64	NA	13.08	090
21339		A	Treat nasoethmoid fracture	8.08	NA	6.75	0.92	NA	15.75	090
21340		A	Treatment of nose fracture	10.75	NA	8.70	1.03	NA	20.48	090
21343		A	Treatment of sinus fracture	12.93	NA	10.14	1.28	NA	24.35	090
21344		A	Treatment of sinus fracture	19.69	NA	13.71	2.07	NA	35.47	090
21345		A	Treat nose/jaw fracture	8.15	11.54	7.90	0.72	20.41	16.77	090
21346		A	Treat nose/jaw fracture	10.59	13.18	9.03	1.03	24.80	20.65	090
21347		A	Treat nose/jaw fracture	12.67	NA	9.77	1.37	NA	23.81	090
21348		A	Treat nose/jaw fracture	16.66	NA	11.31	1.81	NA	29.78	090
21355		A	Treat cheek bone fracture	3.76	4.70	2.37	0.35	8.81	6.48	010
21356		A	Treat cheek bone fracture	4.14	11.67	3.22	0.43	16.24	7.79	010
21360		A	Treat cheek bone fracture	6.45	13.89	6.19	0.63	20.97	13.27	090
21365		A	Treat cheek bone fracture	14.93	NA	11.77	1.57	NA	28.27	090
21366		A	Treat cheek bone fracture	17.74	NA	11.64	1.70	NA	31.08	090
21385		A	Treat eye socket fracture	9.15	NA	7.07	0.77	NA	16.99	090
21386		A	Treat eye socket fracture	9.15	NA	7.48	0.92	NA	17.55	090
21387		A	Treat eye socket fracture	9.69	NA	7.54	0.94	NA	18.17	090
21390		A	Treat eye socket fracture	10.11	NA	8.01	0.84	NA	18.96	090
21395		A	Treat eye socket fracture	12.66	NA	9.32	1.31	NA	23.29	090
21400		A	Treat eye socket fracture	1.40	3.72	2.10	0.14	5.26	3.64	090
21401		A	Treat eye socket fracture	3.26	5.05	3.87	0.41	8.72	7.54	090
21406		A	Treat eye socket fracture	7.00	NA	6.35	0.71	NA	14.06	090
21407		A	Treat eye socket fracture	8.60	NA	7.14	0.81	NA	16.55	090
21408		A	Treat eye socket fracture	12.36	NA	9.21	1.50	NA	23.07	090
21421		A	Treat mouth roof fracture	5.13	9.92	6.16	0.51	15.56	11.80	090
21422		A	Treat mouth roof fracture	8.31	11.28	7.10	0.83	20.42	16.24	090
21423		A	Treat mouth roof fracture	10.38	NA	8.49	1.15	NA	20.02	090
21431		A	Treat craniofacial fracture	7.04	10.66	6.84	0.70	18.40	14.58	090
21432		A	Treat craniofacial fracture	8.60	NA	6.19	0.66	NA	15.45	090
21433		A	Treat craniofacial fracture	25.31	NA	16.83	2.97	NA	45.11	090
21435		A	Treat craniofacial fracture	17.22	NA	12.96	2.00	NA	32.18	090
21436		A	Treat craniofacial fracture	28.00	NA	18.42	2.80	NA	49.22	090
21440		A	Treat dental ridge fracture	2.70	8.05	4.11	0.27	11.02	7.08	090
21445		A	Treat dental ridge fracture	5.37	10.45	6.28	0.66	16.48	12.31	090
21450		A	Treat lower jaw fracture	2.97	10.65	3.76	0.28	13.90	7.01	090
21451		A	Treat lower jaw fracture	4.86	8.77	5.76	0.47	14.10	11.09	090
21452		A	Treat lower jaw fracture	1.98	7.85	3.56	0.17	10.00	5.71	090
21453		A	Treat lower jaw fracture	5.53	10.50	6.83	0.59	16.62	12.95	090
21454		A	Treat lower jaw fracture	6.45	NA	6.54	0.66	NA	13.65	090
21461		A	Treat lower jaw fracture	8.08	12.52	8.30	0.88	21.48	17.26	090
21462		A	Treat lower jaw fracture	9.78	14.06	9.02	0.96	24.80	19.76	090
21465		A	Treat lower jaw fracture	11.89	NA	10.05	1.01	NA	22.95	090
21470		A	Treat lower jaw fracture	15.32	NA	12.24	1.64	NA	29.20	090
21480		A	Reset dislocated jaw	0.61	1.95	0.19	0.06	2.62	0.86	000
21485		A	Reset dislocated jaw	3.98	5.94	4.80	0.37	10.29	9.15	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
21490		A	Repair dislocated jaw	11.84	NA	9.90	1.58	NA	23.32	090
21493		A	Treat hyoid bone fracture	1.27	NA	2.84	0.12	NA	4.23	090
21494		A	Treat hyoid bone fracture	6.27	NA	5.70	0.53	NA	12.50	090
21495		A	Treat hyoid bone fracture	5.68	NA	5.99	0.49	NA	12.16	090
21497		A	Interdental wiring	3.85	6.54	5.01	0.37	10.76	9.23	090
21499		C	Head surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21501		A	Drain neck/chest lesion	3.80	4.70	3.95	0.43	8.93	8.18	090
21502		A	Drain chest lesion	7.11	NA	5.70	0.95	NA	13.76	090
21510		A	Drainage of bone lesion	5.73	NA	5.72	0.81	NA	12.26	090
21550		A	Biopsy of neck/chest	2.06	3.64	1.74	0.16	5.86	3.96	010
21555		A	Remove lesion, neck/chest	4.34	5.06	3.17	0.49	9.89	8.00	090
21556		A	Remove lesion, neck/chest	5.56	NA	4.11	0.62	NA	10.29	090
21557		A	Remove tumor, neck/chest	8.87	NA	5.44	1.03	NA	15.34	090
21600		A	Partial removal of rib	6.88	NA	5.80	0.98	NA	13.66	090
21610		A	Partial removal of rib	14.59	NA	9.04	2.23	NA	25.86	090
21615		A	Removal of rib	9.86	NA	6.73	1.45	NA	18.04	090
21616		A	Removal of rib and nerves	12.02	NA	8.05	1.58	NA	21.65	090
21620		A	Partial removal of sternum	6.78	NA	6.07	0.93	NA	13.78	090
21627		A	Sternal debridement	6.80	NA	6.46	0.99	NA	14.25	090
21630		A	Extensive sternum surgery	17.35	NA	11.99	2.35	NA	31.69	090
21632		A	Extensive sternum surgery	18.11	NA	11.18	2.61	NA	31.90	090
21685		A	Hyoid myotomy & suspension	12.98	NA	10.09	1.52	NA	24.59	090
21700		A	Revision of neck muscle	6.18	6.08	4.86	0.37	12.63	11.41	090
21705		A	Revision of neck muscle/rib	9.59	NA	5.63	1.11	NA	16.33	090
21720		A	Revision of neck muscle	5.67	5.47	4.64	0.96	12.10	11.27	090
21725		A	Revision of neck muscle	6.98	NA	5.52	1.09	NA	13.59	090
21740		A	Reconstruction of sternum	16.48	NA	8.60	2.45	NA	27.53	090
21742		C	Repair stern/nuss w/o scope	0.00	0.00	0.00	0.00	0.00	0.00	090
21743		C	Repair sternum/nuss w/scope	0.00	0.00	0.00	0.00	0.00	0.00	090
21750		A	Repair of sternum separation	10.75	NA	6.14	1.63	NA	18.52	090
21800		A	Treatment of rib fracture	0.96	2.10	1.40	0.11	3.17	2.47	090
21805		A	Treatment of rib fracture	2.75	NA	3.35	0.35	NA	6.45	090
21810		A	Treatment of rib fracture(s)	6.85	NA	5.03	0.72	NA	12.60	090
21820		A	Treat sternum fracture	1.28	2.63	1.83	0.18	4.09	3.29	090
21825		A	Treat sternum fracture	7.40	NA	6.69	1.01	NA	15.10	090
21899		C	Neck/chest surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21920		A	Biopsy soft tissue of back	2.06	3.28	1.49	0.14	5.48	3.69	010
21925		A	Biopsy soft tissue of back	4.48	6.63	3.35	0.53	11.64	8.36	090
21930		A	Remove lesion, back or flank	4.99	5.48	3.46	0.59	11.06	9.04	090
21935		A	Remove tumor, back	17.93	NA	10.20	2.26	NA	30.39	090
22100		A	Remove part of neck vertebra	9.72	NA	7.63	1.87	NA	19.22	090
22101		A	Remove part, thorax vertebra	9.80	NA	7.87	1.82	NA	19.49	090
22102		A	Remove part, lumbar vertebra	9.80	NA	8.08	1.76	NA	19.64	090
22103		A	Remove extra spine segment	2.34	NA	1.21	0.45	NA	4.00	ZZZ
22110		A	Remove part of neck vertebra	12.72	NA	9.27	2.65	NA	24.64	090
22112		A	Remove part, thorax vertebra	12.79	NA	9.33	2.36	NA	24.48	090
22114		A	Remove part, lumbar vertebra	12.79	NA	9.31	2.39	NA	24.49	090
22116		A	Remove extra spine segment	2.32	NA	1.17	0.48	NA	3.97	ZZZ
22210		A	Revision of neck spine	23.78	NA	15.51	5.10	NA	44.39	090
22212		A	Revision of thorax spine	19.39	NA	13.27	3.35	NA	36.01	090
22214		A	Revision of lumbar spine	19.42	NA	13.78	3.35	NA	36.55	090
22216		A	Revise, extra spine segment	6.03	NA	3.14	1.18	NA	10.35	ZZZ
22220		A	Revision of neck spine	21.34	NA	13.79	4.40	NA	39.53	090
22222		A	Revision of thorax spine	21.49	NA	11.61	3.71	NA	36.81	090
22224		A	Revision of lumbar spine	21.49	NA	14.24	3.86	NA	39.59	090
22226		A	Revise, extra spine segment	6.03	NA	3.11	1.22	NA	10.36	ZZZ
22305		A	Treat spine process fracture	2.05	3.19	2.39	0.35	5.59	4.79	090
22310		A	Treat spine fracture	2.61	4.88	4.11	0.45	7.94	7.17	090
22315		A	Treat spine fracture	8.83	13.42	7.53	1.65	23.90	18.01	090
22318		A	Treat odontoid fx w/o graft	21.47	NA	13.52	5.14	NA	40.13	090
22319		A	Treat odontoid fx w/graft	23.96	NA	14.90	5.74	NA	44.60	090
22325		A	Treat spine fracture	18.27	NA	12.15	3.15	NA	33.57	090
22326		A	Treat neck spine fracture	19.56	NA	12.83	4.27	NA	36.66	090
22327		A	Treat thorax spine fracture	19.17	NA	12.44	3.32	NA	34.93	090
22328		A	Treat each add spine fx	4.60	NA	2.28	0.80	NA	7.68	ZZZ
22505		A	Manipulation of spine	1.87	NA	0.94	0.33	NA	3.14	010
22520		A	Percut vertebroplasty thor	8.90	101.62	4.34	1.19	111.71	14.43	010
22521		A	Percut vertebroplasty lumb	8.33	89.47	4.18	1.12	98.92	13.63	010
22522		A	Percut vertebroplasty add'l	4.30	NA	1.69	0.40	NA	6.39	ZZZ
22532		A	Lat thorax spine fusion	23.96	NA	14.82	4.56	NA	43.34	090
22533		A	Lat lumbar spine fusion	23.09	NA	13.48	3.84	NA	40.41	090
22534		A	Lat thor/lumb, add'l seg	5.99	NA	3.04	1.18	NA	10.21	ZZZ
22548		A	Neck spine fusion	25.78	NA	15.83	6.01	NA	47.62	090
22554		A	Neck spine fusion	18.59	NA	12.32	4.23	NA	35.14	090
22556		A	Thorax spine fusion	23.42	NA	14.68	4.56	NA	42.66	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
22558		A	Lumbar spine fusion	22.25	NA	13.24	3.84	NA	39.33	090
22585		A	Additional spinal fusion	5.52	NA	2.80	1.18	NA	9.50	ZZZ
22590		A	Spine & skull spinal fusion	20.48	NA	13.29	4.60	NA	38.37	090
22595		A	Neck spinal fusion	19.36	NA	12.80	4.37	NA	36.53	090
22600		A	Neck spine fusion	16.12	NA	11.14	3.49	NA	30.75	090
22610		A	Thorax spine fusion	16.00	NA	11.32	3.21	NA	30.53	090
22612		A	Lumbar spine fusion	20.97	NA	14.09	3.96	NA	39.02	090
22614		A	Spine fusion, extra segment	6.43	NA	3.36	1.25	NA	11.04	ZZZ
22630		A	Lumbar spine fusion	20.81	NA	13.55	4.57	NA	38.93	090
22632		A	Spine fusion, extra segment	5.22	NA	2.67	1.09	NA	8.98	ZZZ
22800		A	Fusion of spine	18.22	NA	12.64	3.27	NA	34.13	090
22802		A	Fusion of spine	30.83	NA	19.48	5.33	NA	55.64	090
22804		A	Fusion of spine	36.22	NA	22.58	6.31	NA	65.11	090
22808		A	Fusion of spine	26.23	NA	16.25	5.26	NA	47.74	090
22810		A	Fusion of spine	30.22	NA	18.29	5.42	NA	53.93	090
22812		A	Fusion of spine	32.65	NA	19.95	5.63	NA	58.23	090
22818		A	Kyphectomy, 1-2 segments	31.78	NA	18.86	6.04	NA	56.68	090
22819		A	Kyphectomy, 3 or more	36.39	NA	20.03	6.27	NA	62.69	090
22830		A	Exploration of spinal fusion	10.83	NA	7.89	2.09	NA	20.81	090
22840		A	Insert spine fixation device	12.52	NA	6.51	2.45	NA	21.48	ZZZ
22841		B	Insert spine fixation device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
22842		A	Insert spine fixation device	12.56	NA	6.53	2.46	NA	21.55	ZZZ
22843		A	Insert spine fixation device	13.44	NA	6.63	2.53	NA	22.60	ZZZ
22844		A	Insert spine fixation device	16.42	NA	8.78	2.92	NA	28.12	ZZZ
22845		A	Insert spine fixation device	11.94	NA	6.11	2.68	NA	20.73	ZZZ
22846		A	Insert spine fixation device	12.40	NA	6.36	2.73	NA	21.49	ZZZ
22847		A	Insert spine fixation device	13.78	NA	7.06	2.85	NA	23.69	ZZZ
22848		A	Insert pelv fixation device	5.99	NA	3.20	1.06	NA	10.25	ZZZ
22849		A	Reinsert spinal fixation	18.48	NA	11.76	3.46	NA	33.70	090
22850		A	Remove spine fixation device	9.51	NA	7.00	1.82	NA	18.33	090
22851		A	Apply spine prosth device	6.70	NA	3.37	1.34	NA	11.41	ZZZ
22852		A	Remove spine fixation device	9.00	NA	6.79	1.69	NA	17.48	090
22855		A	Remove spine fixation device	15.11	NA	9.72	3.30	NA	28.13	090
22899		C	Spine surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
22900		A	Remove abdominal wall lesion	5.79	NA	3.28	0.70	NA	9.77	090
22999		C	Abdomen surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
23000		A	Removal of calcium deposits	4.35	5.18	4.16	0.60	10.13	9.11	090
23020		A	Release shoulder joint	8.92	NA	7.58	1.48	NA	17.98	090
23030		A	Drain shoulder lesion	3.42	3.01	2.93	0.51	6.94	6.86	010
23031		A	Drain shoulder bursa	2.74	2.69	2.69	0.40	5.83	5.83	010
23035		A	Drain shoulder bone lesion	8.60	NA	8.51	1.44	NA	18.55	090
23040		A	Exploratory shoulder surgery	9.19	NA	7.85	1.54	NA	18.58	090
23044		A	Exploratory shoulder surgery	7.11	NA	6.50	1.17	NA	14.78	090
23065		A	Biopsy shoulder tissues	2.27	2.81	1.54	0.17	5.25	3.98	010
23066		A	Biopsy shoulder tissues	4.15	5.10	4.07	0.60	9.85	8.82	090
23075		A	Removal of shoulder lesion	2.39	2.24	1.82	0.30	4.93	4.51	010
23076		A	Removal of shoulder lesion	7.62	NA	5.78	1.05	NA	14.45	090
23077		A	Remove tumor of shoulder	16.07	NA	10.76	2.18	NA	29.01	090
23100		A	Biopsy of shoulder joint	6.02	NA	5.69	0.98	NA	12.69	090
23101		A	Shoulder joint surgery	5.57	NA	5.39	0.93	NA	11.89	090
23105		A	Remove shoulder joint lining	8.22	NA	7.17	1.36	NA	16.75	090
23106		A	Incision of collarbone joint	5.95	NA	5.77	0.99	NA	12.71	090
23107		A	Explore treat shoulder joint	8.61	NA	7.39	1.44	NA	17.44	090
23120		A	Partial removal, collar bone	7.10	NA	6.48	1.19	NA	14.77	090
23125		A	Removal of collar bone	9.38	NA	7.63	1.53	NA	18.54	090
23130		A	Remove shoulder bone, part	7.54	NA	7.10	1.28	NA	15.92	090
23140		A	Removal of bone lesion	6.88	NA	5.41	0.99	NA	13.28	090
23145		A	Removal of bone lesion	9.08	NA	7.58	1.50	NA	18.16	090
23146		A	Removal of bone lesion	7.82	NA	7.13	1.34	NA	16.29	090
23150		A	Removal of humerus lesion	8.47	NA	6.97	1.37	NA	16.81	090
23155		A	Removal of humerus lesion	10.33	NA	8.46	1.45	NA	20.24	090
23156		A	Removal of humerus lesion	8.67	NA	7.38	1.42	NA	17.47	090
23170		A	Remove collar bone lesion	6.85	NA	6.36	1.01	NA	14.22	090
23172		A	Remove shoulder blade lesion	6.89	NA	6.41	1.15	NA	14.45	090
23174		A	Remove humerus lesion	9.50	NA	8.37	1.57	NA	19.44	090
23180		A	Remove collar bone lesion	8.52	NA	9.21	1.42	NA	19.15	090
23182		A	Remove shoulder blade lesion	8.14	NA	8.89	1.30	NA	18.33	090
23184		A	Remove humerus lesion	9.37	NA	9.54	1.50	NA	20.41	090
23190		A	Partial removal of scapula	7.23	NA	6.23	1.17	NA	14.63	090
23195		A	Removal of head of humerus	9.80	NA	7.76	1.66	NA	19.22	090
23200		A	Removal of collar bone	12.06	NA	8.97	1.79	NA	22.82	090
23210		A	Removal of shoulder blade	12.47	NA	9.30	1.94	NA	23.71	090
23220		A	Partial removal of humerus	14.54	NA	10.87	2.45	NA	27.86	090
23221		A	Partial removal of humerus	17.71	NA	11.84	3.03	NA	32.58	090
23222		A	Partial removal of humerus	23.88	NA	15.85	4.06	NA	43.79	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
23330		A	Remove shoulder foreign body	1.85	1.98	1.91	0.22	4.05	3.98	010
23331		A	Remove shoulder foreign body	7.37	NA	6.79	1.23	NA	15.39	090
23332		A	Remove shoulder foreign body	11.60	NA	9.31	1.95	NA	22.86	090
23350		A	Injection for shoulder x-ray	1.00	3.85	0.33	0.06	4.91	1.39	000
23395		A	Muscle transfer,shoulder/arm	16.82	NA	12.74	2.76	NA	32.32	090
23397		A	Muscle transfers	16.11	NA	11.40	2.70	NA	30.21	090
23400		A	Fixation of shoulder blade	13.52	NA	10.16	2.30	NA	25.98	090
23405		A	Incision of tendon & muscle	8.36	NA	7.01	1.35	NA	16.72	090
23406		A	Incise tendon(s) & muscle(s)	10.77	NA	8.41	1.79	NA	20.97	090
23410		A	Repair rotator cuff, acute	12.43	NA	9.40	2.07	NA	23.90	090
23412		A	Repair rotator cuff, chronic	13.29	NA	9.90	2.24	NA	25.43	090
23415		A	Release of shoulder ligament	9.96	NA	7.97	1.68	NA	19.61	090
23420		A	Repair of shoulder	13.28	NA	10.78	2.24	NA	26.30	090
23430		A	Repair biceps tendon	9.97	NA	8.11	1.69	NA	19.77	090
23440		A	Remove/transplant tendon	10.46	NA	8.29	1.77	NA	20.52	090
23450		A	Repair shoulder capsule	13.38	NA	9.87	2.24	NA	25.49	090
23455		A	Repair shoulder capsule	14.35	NA	10.45	2.42	NA	27.22	090
23460		A	Repair shoulder capsule	15.35	NA	11.37	2.62	NA	29.34	090
23462		A	Repair shoulder capsule	15.28	NA	10.78	2.61	NA	28.67	090
23465		A	Repair shoulder capsule	15.83	NA	11.30	1.94	NA	29.07	090
23466		A	Repair shoulder capsule	14.20	NA	11.27	2.41	NA	27.88	090
23470		A	Reconstruct shoulder joint	17.12	NA	12.13	2.89	NA	32.14	090
23472		A	Reconstruct shoulder joint	21.07	NA	14.27	2.86	NA	38.20	090
23480		A	Revision of collar bone	11.16	NA	8.77	1.88	NA	21.81	090
23485		A	Revision of collar bone	13.41	NA	9.91	2.22	NA	25.54	090
23490		A	Reinforce clavicle	11.84	NA	8.81	1.34	NA	21.99	090
23491		A	Reinforce shoulder bones	14.19	NA	10.70	2.41	NA	27.30	090
23500		A	Treat clavicle fracture	2.08	3.66	2.57	0.31	6.05	4.96	090
23505		A	Treat clavicle fracture	3.68	5.33	3.76	0.60	9.61	8.04	090
23515		A	Treat clavicle fracture	7.40	NA	6.52	1.24	NA	15.16	090
23520		A	Treat clavicle dislocation	2.16	3.65	2.71	0.31	6.12	5.18	090
23525		A	Treat clavicle dislocation	3.59	5.27	3.88	0.53	9.39	8.00	090
23530		A	Treat clavicle dislocation	7.30	NA	6.03	1.03	NA	14.36	090
23532		A	Treat clavicle dislocation	8.00	NA	6.92	1.36	NA	16.28	090
23540		A	Treat clavicle dislocation	2.23	4.26	2.46	0.29	6.78	4.98	090
23545		A	Treat clavicle dislocation	3.25	4.50	3.38	0.47	8.22	7.10	090
23550		A	Treat clavicle dislocation	7.23	NA	6.38	1.13	NA	14.74	090
23552		A	Treat clavicle dislocation	8.44	NA	7.26	1.42	NA	17.12	090
23570		A	Treat shoulder blade fx	2.23	3.67	2.87	0.35	6.25	5.45	090
23575		A	Treat shoulder blade fx	4.05	5.76	4.24	0.64	10.45	8.93	090
23585		A	Treat scapula fracture	8.95	NA	7.60	1.51	NA	18.06	090
23600		A	Treat humerus fracture	2.93	5.73	3.82	0.47	9.13	7.22	090
23605		A	Treat humerus fracture	4.86	6.59	4.96	0.81	12.26	10.63	090
23615		A	Treat humerus fracture	9.34	NA	8.69	1.58	NA	19.61	090
23616		A	Treat humerus fracture	21.24	NA	14.13	3.59	NA	38.96	090
23620		A	Treat humerus fracture	2.40	5.20	3.23	0.39	7.99	6.02	090
23625		A	Treat humerus fracture	3.92	6.33	4.56	0.64	10.89	9.12	090
23630		A	Treat humerus fracture	7.34	NA	6.59	1.24	NA	15.17	090
23650		A	Treat shoulder dislocation	3.38	4.69	2.88	0.37	8.44	6.63	090
23655		A	Treat shoulder dislocation	4.56	NA	4.16	0.63	NA	9.35	090
23660		A	Treat shoulder dislocation	7.48	NA	6.36	1.22	NA	15.06	090
23665		A	Treat islocation/fracture	4.46	6.58	4.93	0.72	11.76	10.11	090
23670		A	Treat dislocation/fracture	7.89	NA	6.82	1.33	NA	16.04	090
23675		A	Treat dislocation/fracture	6.04	7.56	6.06	1.00	14.60	13.10	090
23680		A	Treat dislocation/fracture	10.04	NA	8.09	1.68	NA	19.81	090
23700		A	Fixation of shoulder	2.52	NA	2.30	0.42	NA	5.24	010
23800		A	Fusion of shoulder joint	14.14	NA	10.46	2.38	NA	26.98	090
23802		A	Fusion of shoulder joint	16.58	NA	10.23	2.82	NA	29.63	090
23900		A	Amputation of arm & girdle	19.69	NA	11.91	2.98	NA	34.58	090
23920		A	Amputation at shoulder joint	14.59	NA	10.09	2.32	NA	27.00	090
23921		A	Amputation follow-up surgery	5.48	5.16	5.16	0.94	11.58	11.58	090
23929		C	Shoulder surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
23930		A	Drainage of arm lesion	2.94	2.71	2.35	0.39	6.04	5.68	010
23931		A	Drainage of arm bursa	1.79	2.43	2.19	0.25	4.47	4.23	010
23935		A	Drain arm/elbow bone lesion	6.08	NA	6.13	1.01	NA	13.22	090
24000		A	Exploratory elbow surgery	5.81	NA	5.36	0.93	NA	12.10	090
24006		A	Release elbow joint	9.30	NA	7.69	1.53	NA	18.52	090
24065		A	Biopsy arm/elbow soft tissue	2.08	2.10	1.78	0.17	4.35	4.03	010
24066		A	Biopsy arm/elbow soft tissue	5.20	5.76	4.27	0.74	11.70	10.21	090
24075		A	Remove arm/elbow lesion	3.91	5.05	3.67	0.52	9.48	8.10	090
24076		A	Remove arm/elbow lesion	6.29	NA	5.09	0.84	NA	12.22	090
24077		A	Remove tumor of arm/elbow	11.74	NA	8.65	1.59	NA	21.98	090
24100		A	Biopsy elbow joint lining	4.92	NA	4.49	0.75	NA	10.16	090
24101		A	Explore/treat elbow joint	6.12	NA	5.86	1.01	NA	12.99	090
24102		A	Remove elbow joint lining	8.02	NA	6.83	1.31	NA	16.16	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
24105		A	Removal of elbow bursa	3.60	NA	4.35	0.59	NA	8.54	090
24110		A	Remove humerus lesion	7.38	NA	6.71	1.19	NA	15.28	090
24115		A	Remove/graft bone lesion	9.62	NA	7.35	1.39	NA	18.36	090
24116		A	Remove/graft bone lesion	11.79	NA	9.11	2.00	NA	22.90	090
24120		A	Remove elbow lesion	6.64	NA	5.88	1.05	NA	13.57	090
24125		A	Remove/graft bone lesion	7.88	NA	6.18	1.06	NA	15.12	090
24126		A	Remove/graft bone lesion	8.30	NA	6.97	1.09	NA	16.36	090
24130		A	Removal of head of radius	6.24	NA	5.95	1.05	NA	13.24	090
24134		A	Removal of arm bone lesion	9.72	NA	9.18	1.58	NA	20.48	090
24136		A	Remove radius bone lesion	7.98	NA	7.41	1.03	NA	16.42	090
24138		A	Remove elbow bone lesion	8.04	NA	7.67	1.35	NA	17.06	090
24140		A	Partial removal of arm bone	9.17	NA	9.49	1.48	NA	20.14	090
24145		A	Partial removal of radius	7.57	NA	8.15	1.22	NA	16.94	090
24147		A	Partial removal of elbow	7.53	NA	8.64	1.25	NA	17.42	090
24149		A	Radical resection of elbow	14.18	NA	11.41	2.29	NA	27.88	090
24150		A	Extensive humerus surgery	13.25	NA	10.10	2.18	NA	25.53	090
24151		A	Extensive humerus surgery	15.56	NA	11.67	2.64	NA	29.87	090
24152		A	Extensive radius surgery	10.04	NA	7.85	1.44	NA	19.33	090
24153		A	Extensive radius surgery	11.52	NA	5.83	0.77	NA	18.12	090
24155		A	Removal of elbow joint	11.71	NA	8.41	1.71	NA	21.83	090
24160		A	Remove elbow joint implant	7.82	NA	6.77	1.29	NA	15.88	090
24164		A	Remove radius head implant	6.22	NA	5.66	1.01	NA	12.89	090
24200		A	Removal of arm foreign body	1.76	1.97	1.67	0.18	3.91	3.61	010
24201		A	Removal of arm foreign body	4.55	5.68	4.34	0.68	10.91	9.57	090
24220		A	Injection for elbow x-ray	1.31	10.32	0.44	0.08	11.71	1.83	000
24300		A	Manipulate elbow w/anesth	3.74	NA	5.48	0.59	NA	9.81	090
24301		A	Muscle/tendon transfer	10.18	NA	8.18	1.57	NA	19.93	090
24305		A	Arm tendon lengthening	7.44	NA	6.68	1.18	NA	15.30	090
24310		A	Revision of arm tendon	5.97	NA	5.72	0.89	NA	12.58	090
24320		A	Repair of arm tendon	10.54	NA	7.74	1.21	NA	19.49	090
24330		A	Revision of arm muscles	9.59	NA	7.86	1.46	NA	18.91	090
24331		A	Revision of arm muscles	10.63	NA	8.60	1.70	NA	20.93	090
24332		A	Tenolysis, triceps	7.44	NA	6.58	0.93	NA	14.95	090
24340		A	Repair of biceps tendon	7.88	NA	6.91	1.30	NA	16.09	090
24341		A	Repair arm tendon/muscle	7.89	NA	7.75	1.30	NA	16.94	090
24342		A	Repair of ruptured tendon	10.60	NA	8.46	1.79	NA	20.85	090
24343		A	Repr elbow lat ligmnt w/tiss	8.64	NA	7.93	1.36	NA	17.93	090
24344		A	Reconstruct elbow lat ligmnt	13.98	NA	11.31	2.21	NA	27.50	090
24345		A	Repr elbw med ligmnt w/tissu	8.64	NA	7.83	1.36	NA	17.83	090
24346		A	Reconstruct elbow med ligmnt	13.98	NA	11.17	2.21	NA	27.36	090
24350		A	Repair of tennis elbow	5.24	NA	5.52	0.87	NA	11.63	090
24351		A	Repair of tennis elbow	5.90	NA	5.86	0.99	NA	12.75	090
24352		A	Repair of tennis elbow	6.42	NA	6.12	1.09	NA	13.63	090
24354		A	Repair of tennis elbow	6.47	NA	6.08	1.06	NA	13.61	090
24356		A	Revision of tennis elbow	6.67	NA	6.26	1.09	NA	14.02	090
24360		A	Reconstruct elbow joint	12.32	NA	9.35	2.04	NA	23.71	090
24361		A	Reconstruct elbow joint	14.06	NA	10.44	2.35	NA	26.85	090
24362		A	Reconstruct elbow joint	14.97	NA	9.97	2.32	NA	27.26	090
24363		A	Replace elbow joint	18.46	NA	13.53	3.04	NA	35.03	090
24365		A	Reconstruct head of radius	8.38	NA	7.09	1.34	NA	16.81	090
24366		A	Reconstruct head of radius	9.12	NA	7.43	1.54	NA	18.09	090
24400		A	Revision of humerus	11.04	NA	8.91	1.85	NA	21.80	090
24410		A	Revision of humerus	14.80	NA	10.43	2.28	NA	27.51	090
24420		A	Revision of humerus	13.42	NA	10.66	2.20	NA	26.28	090
24430		A	Repair of humerus	12.79	NA	9.75	2.17	NA	24.71	090
24435		A	Repair humerus with graft	13.15	NA	10.83	2.22	NA	26.20	090
24470		A	Revision of elbow joint	8.73	NA	7.62	1.48	NA	17.83	090
24495		A	Decompression of forearm	8.11	NA	9.05	1.11	NA	18.27	090
24498		A	Reinforce humerus	11.90	NA	9.28	2.01	NA	23.19	090
24500		A	Treat humerus fracture	3.21	5.40	3.61	0.49	9.10	7.31	090
24505		A	Treat humerus fracture	5.16	7.29	5.28	0.87	13.32	11.31	090
24515		A	Treat humerus fracture	11.63	NA	9.34	1.97	NA	22.94	090
24516		A	Treat humerus fracture	11.63	NA	9.11	1.97	NA	22.71	090
24530		A	Treat humerus fracture	3.49	5.39	3.94	0.57	9.45	8.00	090
24535		A	Treat humerus fracture	6.86	8.39	6.40	1.16	16.41	14.42	090
24538		A	Treat humerus fracture	9.42	NA	8.69	1.51	NA	19.62	090
24545		A	Treat humerus fracture	10.44	NA	8.42	1.77	NA	20.63	090
24546		A	Treat humerus fracture	15.67	NA	11.31	2.63	NA	29.61	090
24560		A	Treat humerus fracture	2.80	5.07	3.21	0.42	8.29	6.43	090
24565		A	Treat humerus fracture	5.55	7.28	5.40	0.89	13.72	11.84	090
24566		A	Treat humerus fracture	7.78	NA	8.11	1.33	NA	17.22	090
24575		A	Treat humerus fracture	10.64	NA	8.30	1.74	NA	20.68	090
24576		A	Treat humerus fracture	2.86	4.94	3.59	0.46	8.26	6.91	090
24577		A	Treat humerus fracture	5.78	7.56	5.69	0.98	14.32	12.45	090
24579		A	Treat humerus fracture	11.58	NA	8.83	1.95	NA	22.36	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
24582		A	Treat humerus fracture	8.54	NA	9.01	1.45	NA	19.00	090
24586		A	Treat elbow fracture	15.19	NA	11.11	2.56	NA	28.86	090
24587		A	Treat elbow fracture	15.14	NA	10.91	2.58	NA	28.63	090
24600		A	Treat elbow dislocation	4.22	5.57	3.52	0.59	10.38	8.33	090
24605		A	Treat elbow dislocation	5.41	NA	5.25	0.87	NA	11.53	090
24615		A	Treat elbow dislocation	9.41	NA	7.73	1.58	NA	18.72	090
24620		A	Treat elbow fracture	6.97	NA	6.11	1.09	NA	14.17	090
24635		A	Treat elbow fracture	13.17	NA	14.21	2.22	NA	29.60	090
24640		A	Treat elbow dislocation	1.20	1.93	0.87	0.13	3.26	2.20	010
24650		A	Treat radius fracture	2.16	4.55	2.73	0.34	7.05	5.23	090
24655		A	Treat radius fracture	4.39	6.76	4.69	0.70	11.85	9.78	090
24665		A	Treat radius fracture	8.13	NA	7.48	1.36	NA	16.97	090
24666		A	Treat radius fracture	9.48	NA	8.05	1.59	NA	19.12	090
24670		A	Treat ulnar fracture	2.54	4.44	3.01	0.40	7.38	5.95	090
24675		A	Treat ulnar fracture	4.71	6.72	4.82	0.78	12.21	10.31	090
24685		A	Treat ulnar fracture	8.79	NA	7.52	1.48	NA	17.79	090
24800		A	Fusion of elbow joint	11.18	NA	8.71	1.70	NA	21.59	090
24802		A	Fusion/graft of elbow joint	13.67	NA	10.32	2.28	NA	26.27	090
24900		A	Amputation of upper arm	9.59	NA	7.35	1.42	NA	18.36	090
24920		A	Amputation of upper arm	9.53	NA	7.52	1.47	NA	18.52	090
24925		A	Amputation follow-up surgery	7.06	NA	6.27	1.15	NA	14.48	090
24930		A	Amputation follow-up surgery	10.23	NA	7.52	1.48	NA	19.23	090
24931		A	Amputate upper arm & implant	12.70	NA	6.11	1.88	NA	20.69	090
24935		A	Revision of amputation	15.54	NA	8.42	1.91	NA	25.87	090
24940		C	Revision of upper arm	0.00	0.00	0.00	0.00	0.00	0.00	090
24999		C	Upper arm/elbow surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
25000		A	Incision of tendon sheath	3.37	NA	6.95	0.54	NA	10.86	090
25001		A	Incise flexor carpi radialis	3.37	NA	4.09	0.54	NA	8.00	090
25020		A	Decompress forearm 1 space	5.91	NA	9.94	0.92	NA	16.77	090
25023		A	Decompress forearm 1 space	12.94	NA	15.45	1.83	NA	30.22	090
25024		A	Decompress forearm 2 spaces	9.49	NA	7.52	1.50	NA	18.51	090
25025		A	Decompress forearm 2 spaces	16.52	NA	10.00	2.63	NA	29.15	090
25028		A	Drainage of forearm lesion	5.24	NA	8.48	0.74	NA	14.46	090
25031		A	Drainage of forearm bursa	4.13	NA	8.25	0.60	NA	12.98	090
25035		A	Treat forearm bone lesion	7.35	NA	14.03	1.18	NA	22.56	090
25040		A	Explore/treat wrist joint	7.17	NA	7.34	1.16	NA	15.67	090
25065		A	Biopsy forearm soft tissues	1.99	2.79	2.79	0.14	4.92	4.92	010
25066		A	Biopsy forearm soft tissues	4.12	NA	7.24	0.59	NA	11.95	090
25075		A	Removel forearm lesion subcu	3.73	NA	6.13	0.48	NA	10.34	090
25076		A	Removel forearm lesion deep	4.91	NA	9.98	0.71	NA	15.60	090
25077		A	Remove tumor, forearm/wrist	9.75	NA	12.68	1.33	NA	23.76	090
25085		A	Incision of wrist capsule	5.49	NA	7.30	0.86	NA	13.65	090
25100		A	Biopsy of wrist joint	3.89	NA	5.41	0.60	NA	9.90	090
25101		A	Explore/treat wrist joint	4.68	NA	5.96	0.72	NA	11.36	090
25105		A	Remove wrist joint lining	5.84	NA	7.48	0.93	NA	14.25	090
25107		A	Remove wrist joint cartilage	6.42	NA	8.41	0.99	NA	15.82	090
25110		A	Remove wrist tendon lesion	3.91	NA	7.26	0.58	NA	11.75	090
25111		A	Remove wrist tendon lesion	3.38	NA	4.83	0.51	NA	8.72	090
25112		A	Reremove wrist tendon lesion	4.52	NA	5.43	0.65	NA	10.60	090
25115		A	Remove wrist/forearm lesion	8.81	NA	14.44	1.34	NA	24.59	090
25116		A	Remove wrist/forearm lesion	7.10	NA	13.53	1.09	NA	21.72	090
25118		A	Excise wrist tendon sheath	4.36	NA	5.88	0.66	NA	10.90	090
25119		A	Partial removal of ulna	6.03	NA	7.77	0.96	NA	14.76	090
25120		A	Removal of forearm lesion	6.09	NA	12.44	0.98	NA	19.51	090
25125		A	Remove/graft forearm lesion	7.47	NA	13.21	1.23	NA	21.91	090
25126		A	Remove/graft forearm lesion	7.54	NA	13.31	1.21	NA	22.06	090
25130		A	Removal of wrist lesion	5.25	NA	6.51	0.80	NA	12.56	090
25135		A	Remove & graft wrist lesion	6.88	NA	7.53	1.07	NA	15.48	090
25136		A	Remove & graft wrist lesion	5.96	NA	6.68	0.70	NA	13.34	090
25145		A	Remove forearm bone lesion	6.36	NA	12.47	0.99	NA	19.82	090
25150		A	Partial removal of ulna	7.08	NA	8.41	1.16	NA	16.65	090
25151		A	Partial removal of radius	7.38	NA	13.08	1.12	NA	21.58	090
25170		A	Extensive forearm surgery	11.07	NA	15.46	1.83	NA	28.36	090
25210		A	Removal of wrist bone	5.94	NA	6.90	0.88	NA	13.72	090
25215		A	Removal of wrist bones	7.88	NA	8.89	1.23	NA	18.00	090
25230		A	Partial removal of radius	5.22	NA	6.22	0.80	NA	12.24	090
25240		A	Partial removal of ulna	5.16	NA	7.09	0.83	NA	13.08	090
25246		A	Injection for wrist x-ray	1.45	10.05	0.48	0.08	11.58	2.01	000
25248		A	Remove forearm foreign body	5.13	NA	8.75	0.65	NA	14.53	090
25250		A	Removal of wrist prosthesis	6.59	NA	6.00	1.01	NA	13.60	090
25251		A	Removal of wrist prosthesis	9.56	NA	7.82	1.39	NA	18.77	090
25259		A	Manipulate wrist w/anesthes	3.74	NA	5.48	0.60	NA	9.82	090
25260		A	Repair forearm tendon/muscle	7.79	NA	13.90	1.17	NA	22.86	090
25263		A	Repair forearm tendon/muscle	7.81	NA	13.81	1.13	NA	22.75	090
25265		A	Repair forearm tendon/muscle	9.87	NA	14.70	1.44	NA	26.01	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
25270		A	Repair forearm tendon/muscle	5.99	NA	12.60	0.92	NA	19.51	090
25272		A	Repair forearm tendon/muscle	7.03	NA	13.30	1.07	NA	21.40	090
25274		A	Repair forearm tendon/muscle	8.74	NA	14.02	1.37	NA	24.13	090
25275		A	Repair forearm tendon sheath	8.49	NA	7.47	1.36	NA	17.32	090
25280		A	Revise wrist/forearm tendon	7.21	NA	13.03	1.10	NA	21.34	090
25290		A	Incise wrist/forearm tendon	5.28	NA	15.53	0.80	NA	21.61	090
25295		A	Release wrist/forearm tendon	6.54	NA	12.59	1.04	NA	20.17	090
25300		A	Fusion of tendons at wrist	8.79	NA	8.52	1.29	NA	18.60	090
25301		A	Fusion of tendons at wrist	8.39	NA	8.16	1.30	NA	17.85	090
25310		A	Transplant forearm tendon	8.13	NA	13.44	1.22	NA	22.79	090
25312		A	Transplant forearm tendon	9.56	NA	14.32	1.47	NA	25.35	090
25315		A	Revise palsy hand tendon(s)	10.18	NA	14.89	1.52	NA	26.59	090
25316		A	Revise palsy hand tendon(s)	12.31	NA	16.66	2.10	NA	31.07	090
25320		A	Repair/revise wrist joint	10.75	NA	11.21	1.59	NA	23.55	090
25332		A	Revise wrist joint	11.39	NA	9.06	1.76	NA	22.21	090
25335		A	Realignment of hand	12.86	NA	11.72	2.00	NA	26.58	090
25337		A	Reconstruct ulna/radioulnar	10.15	NA	11.07	1.58	NA	22.80	090
25350		A	Revision of radius	8.77	NA	14.28	1.41	NA	24.46	090
25355		A	Revision of radius	10.15	NA	14.90	1.74	NA	26.79	090
25360		A	Revision of ulna	8.42	NA	14.17	1.41	NA	24.00	090
25365		A	Revise radius & ulna	12.38	NA	15.93	2.01	NA	30.32	090
25370		A	Revise radius or ulna	13.34	NA	16.30	2.27	NA	31.91	090
25375		A	Revise radius & ulna	13.02	NA	16.72	2.22	NA	31.96	090
25390		A	Shorten radius or ulna	10.38	NA	14.91	1.66	NA	26.95	090
25391		A	Lengthen radius or ulna	13.63	NA	16.87	2.09	NA	32.59	090
25392		A	Shorten radius & ulna	13.93	NA	16.24	2.09	NA	32.26	090
25393		A	Lengthen radius & ulna	15.85	NA	17.88	2.26	NA	35.99	090
25394		A	Repair carpal bone, shorten	10.38	NA	8.23	1.69	NA	20.30	090
25400		A	Repair radius or ulna	10.90	NA	15.49	1.81	NA	28.20	090
25405		A	Repair/graft radius or ulna	14.36	NA	17.58	2.35	NA	34.29	090
25415		A	Repair radius & ulna	13.33	NA	16.81	2.26	NA	32.40	090
25420		A	Repair/graft radius & ulna	16.31	NA	18.56	2.65	NA	37.52	090
25425		A	Repair/graft radius or ulna	13.19	NA	22.08	1.94	NA	37.21	090
25426		A	Repair/graft radius & ulna	15.80	NA	17.29	2.69	NA	35.78	090
25430		A	Vasc graft into carpal bone	9.24	NA	7.28	1.29	NA	17.81	090
25431		A	Repair nonunion carpal bone	10.42	NA	8.23	0.68	NA	19.33	090
25440		A	Repair/graft wrist bone	10.42	NA	9.41	1.70	NA	21.53	090
25441		A	Reconstruct wrist joint	12.88	NA	9.88	2.21	NA	24.97	090
25442		A	Reconstruct wrist joint	10.83	NA	8.77	1.50	NA	21.10	090
25443		A	Reconstruct wrist joint	10.37	NA	8.65	1.57	NA	20.59	090
25444		A	Reconstruct wrist joint	11.13	NA	9.07	1.72	NA	21.92	090
25445		A	Reconstruct wrist joint	9.68	NA	7.87	1.52	NA	19.07	090
25446		A	Wrist replacement	16.53	NA	11.81	2.65	NA	30.99	090
25447		A	Repair wrist joint(s)	10.35	NA	8.54	1.62	NA	20.51	090
25449		A	Remove wrist joint implant	14.47	NA	10.57	2.13	NA	27.17	090
25450		A	Revision of wrist joint	7.86	NA	10.41	1.06	NA	19.33	090
25455		A	Revision of wrist joint	9.48	NA	11.33	1.29	NA	22.10	090
25490		A	Reinforce radius	9.53	NA	14.03	1.44	NA	25.00	090
25491		A	Reinforce ulna	9.95	NA	14.79	1.70	NA	26.44	090
25492		A	Reinforce radius and ulna	12.31	NA	15.58	1.95	NA	29.84	090
25500		A	Treat fracture of radius	2.45	3.99	2.71	0.34	6.78	5.50	090
25505		A	Treat fracture of radius	5.20	7.22	5.25	0.83	13.25	11.28	090
25515		A	Treat fracture of radius	9.17	NA	7.47	1.47	NA	18.11	090
25520		A	Treat fracture of radius	6.25	7.44	5.87	1.03	14.72	13.15	090
25525		A	Treat fracture of radius	12.22	NA	9.94	2.03	NA	24.19	090
25526		A	Treat fracture of radius	12.96	NA	13.59	2.17	NA	28.72	090
25530		A	Treat fracture of ulna	2.09	4.14	2.80	0.33	6.56	5.22	090
25535		A	Treat fracture of ulna	5.13	6.85	5.17	0.82	12.80	11.12	090
25545		A	Treat fracture of ulna	8.89	NA	7.65	1.48	NA	18.02	090
25560		A	Treat fracture radius & ulna	2.44	4.04	2.64	0.33	6.81	5.41	090
25565		A	Treat fracture radius & ulna	5.62	7.35	5.32	0.92	13.89	11.86	090
25574		A	Treat fracture radius & ulna	7.00	NA	7.13	1.16	NA	15.29	090
25575		A	Treat fracture radius/ulna	10.43	NA	9.39	1.76	NA	21.58	090
25600		A	Treat fracture radius/ulna	2.63	4.47	2.94	0.41	7.51	5.98	090
25605		A	Treat fracture radius/ulna	5.80	8.03	6.01	0.98	14.81	12.79	090
25611		A	Treat fracture radius/ulna	7.76	NA	8.84	1.30	NA	17.90	090
25620		A	Treat fracture radius/ulna	8.54	NA	7.28	1.41	NA	17.23	090
25622		A	Treat wrist bone fracture	2.61	4.64	3.12	0.40	7.65	6.13	090
25624		A	Treat wrist bone fracture	4.52	6.98	4.90	0.74	12.24	10.16	090
25628		A	Treat wrist bone fracture	8.42	NA	7.81	1.37	NA	17.60	090
25630		A	Treat wrist bone fracture	2.88	4.57	2.94	0.45	7.90	6.27	090
25635		A	Treat wrist bone fracture	4.38	6.75	3.89	0.47	11.60	8.74	090
25645		A	Treat wrist bone fracture	7.24	NA	6.79	1.12	NA	15.15	090
25650		A	Treat wrist bone fracture	3.05	4.83	3.22	0.45	8.33	6.72	090
25651		A	Pin ulnar styloid fracture	5.35	NA	5.39	0.87	NA	11.61	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
25652		A	Treat fracture ulnar styloid	7.59	NA	6.85	1.23	NA	15.67	090
25660		A	Treat wrist dislocation	4.75	NA	4.66	0.71	NA	10.12	090
25670		A	Treat wrist dislocation	7.91	NA	7.08	1.29	NA	16.28	090
25671		A	Pin radioulnar dislocation	5.99	NA	5.98	0.98	NA	12.95	090
25675		A	Treat wrist dislocation	4.66	6.49	4.61	0.69	11.84	9.96	090
25676		A	Treat wrist dislocation	8.03	NA	7.32	1.33	NA	16.68	090
25680		A	Treat wrist fracture	5.98	NA	4.75	0.74	NA	11.47	090
25685		A	Treat wrist fracture	9.77	NA	7.87	1.51	NA	19.15	090
25690		A	Treat wrist dislocation	5.49	NA	5.39	0.94	NA	11.82	090
25695		A	Treat wrist dislocation	8.33	NA	7.19	1.29	NA	16.81	090
25800		A	Fusion of wrist joint	9.75	NA	9.10	1.57	NA	20.42	090
25805		A	Fusion/graft of wrist joint	11.26	NA	10.24	1.82	NA	23.32	090
25810		A	Fusion/graft of wrist joint	10.55	NA	9.88	1.65	NA	22.08	090
25820		A	Fusion of hand bones	7.44	NA	7.88	1.16	NA	16.48	090
25825		A	Fuse hand bones with graft	9.26	NA	9.22	1.45	NA	19.93	090
25830		A	Fusion, radioulnar jnt/ulna	10.04	NA	14.69	1.53	NA	26.26	090
25900		A	Amputation of forearm	9.00	NA	12.89	1.30	NA	23.19	090
25905		A	Amputation of forearm	9.11	NA	12.82	1.28	NA	23.21	090
25907		A	Amputation follow-up surgery	7.79	NA	12.21	1.22	NA	21.22	090
25909		A	Amputation follow-up surgery	8.95	NA	12.76	1.29	NA	23.00	090
25915		A	Amputation of forearm	17.05	NA	19.51	2.91	NA	39.47	090
25920		A	Amputate hand at wrist	8.67	NA	8.00	1.28	NA	17.95	090
25922		A	Amputate hand at wrist	7.41	NA	7.25	1.12	NA	15.78	090
25924		A	Amputation follow-up surgery	8.45	NA	8.22	1.29	NA	17.96	090
25927		A	Amputation of hand	8.79	NA	12.15	1.23	NA	22.17	090
25929		A	Amputation follow-up surgery	7.58	NA	6.06	1.07	NA	14.71	090
25931		A	Amputation follow-up surgery	7.80	NA	12.06	1.06	NA	20.92	090
25999		C	Forearm or wrist surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
26010		A	Drainage of finger abscess	1.54	5.67	1.66	0.17	7.38	3.37	010
26011		A	Drainage of finger abscess	2.19	9.08	2.31	0.30	11.57	4.80	010
26020		A	Drain hand tendon sheath	4.66	NA	5.57	0.71	NA	10.94	090
26025		A	Drainage of palm bursa	4.81	NA	5.36	0.72	NA	10.89	090
26030		A	Drainage of palm bursa(s)	5.92	NA	6.00	0.87	NA	12.79	090
26034		A	Treat hand bone lesion	6.22	NA	6.27	0.95	NA	13.44	090
26035		A	Decompress fingers/hand	9.50	NA	8.10	1.35	NA	18.95	090
26037		A	Decompress fingers/hand	7.24	NA	6.60	1.05	NA	14.89	090
26040		A	Release palm contracture	3.33	NA	3.99	0.54	NA	7.86	090
26045		A	Release palm contracture	5.55	NA	5.56	0.89	NA	12.00	090
26055		A	Incise finger tendon sheath	2.69	14.54	3.85	0.43	17.66	6.97	090
26060		A	Incision of finger tendon	2.81	NA	3.45	0.42	NA	6.68	090
26070		A	Explore/treat hand joint	3.68	NA	3.36	0.42	NA	7.46	090
26075		A	Explore/treat finger joint	3.78	NA	3.76	0.48	NA	8.02	090
26080		A	Explore/treat finger joint	4.23	NA	4.78	0.63	NA	9.64	090
26100		A	Biopsy hand joint lining	3.66	NA	4.10	0.54	NA	8.30	090
26105		A	Biopsy finger joint lining	3.70	NA	4.17	0.54	NA	8.41	090
26110		A	Biopsy finger joint lining	3.52	NA	3.98	0.53	NA	8.03	090
26115		A	Removel hand lesion subcut	3.85	13.33	4.67	0.58	17.76	9.10	090
26116		A	Removel hand lesion, deep	5.52	NA	5.92	0.83	NA	12.27	090
26117		A	Remove tumor, hand/finger	8.54	NA	7.03	1.22	NA	16.79	090
26121		A	Release palm contracture	7.53	NA	6.90	1.13	NA	15.56	090
26123		A	Release palm contracture	9.28	NA	8.74	1.41	NA	19.43	090
26125		A	Release palm contracture	4.60	NA	2.46	0.69	NA	7.75	ZZZ
26130		A	Remove wrist joint lining	5.41	NA	5.30	0.78	NA	11.49	090
26135		A	Revise finger joint, each	6.95	NA	6.39	1.05	NA	14.39	090
26140		A	Revise finger joint, each	6.16	NA	5.97	0.92	NA	13.05	090
26145		A	Tendon excision, palm/finger	6.31	NA	5.98	0.93	NA	13.22	090
26160		A	Remove tendon sheath lesion	3.15	12.69	4.04	0.47	16.31	7.66	090
26170		A	Removal of palm tendon, each	4.76	NA	4.88	0.72	NA	10.36	090
26180		A	Removal of finger tendon	5.17	NA	5.35	0.77	NA	11.29	090
26185		A	Remove finger bone	5.24	NA	5.91	0.81	NA	11.96	090
26200		A	Remove hand bone lesion	5.50	NA	5.29	0.86	NA	11.65	090
26205		A	Remove/graft bone lesion	7.69	NA	6.84	1.15	NA	15.68	090
26210		A	Removal of finger lesion	5.14	NA	5.36	0.77	NA	11.27	090
26215		A	Remove/graft finger lesion	7.09	NA	6.26	0.93	NA	14.28	090
26230		A	Partial removal of hand bone	6.32	NA	5.85	1.01	NA	13.18	090
26235		A	Partial removal, finger bone	6.18	NA	5.75	0.94	NA	12.87	090
26236		A	Partial removal, finger bone	5.31	NA	5.28	0.80	NA	11.39	090
26250		A	Extensive hand surgery	7.54	NA	6.38	1.11	NA	15.03	090
26255		A	Extensive hand surgery	12.41	NA	9.35	1.27	NA	23.03	090
26260		A	Extensive finger surgery	7.02	NA	6.14	1.00	NA	14.16	090
26261		A	Extensive finger surgery	9.08	NA	6.23	1.01	NA	16.32	090
26262		A	Partial removal of finger	5.66	NA	5.29	0.84	NA	11.79	090
26320		A	Removal of implant from hand	3.97	NA	4.25	0.59	NA	8.81	090
26340		A	Manipulate finger w/anesth	2.50	NA	4.74	0.36	NA	7.60	090
26350		A	Repair finger/hand tendon	5.98	NA	15.49	0.88	NA	22.35	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
26352		A	Repair/graft hand tendon	7.67	NA	16.08	1.12	NA	24.87	090
26356		A	Repair finger/hand tendon	8.06	NA	18.91	1.19	NA	28.16	090
26357		A	Repair finger/hand tendon	8.57	NA	16.53	1.23	NA	26.33	090
26358		A	Repair/graft hand tendon	9.13	NA	17.43	1.29	NA	27.85	090
26370		A	Repair finger/hand tendon	7.10	NA	15.95	1.09	NA	24.14	090
26372		A	Repair/graft hand tendon	8.75	NA	17.32	1.28	NA	27.35	090
26373		A	Repair finger/hand tendon	8.15	NA	16.87	1.18	NA	26.20	090
26390		A	Revise hand/finger tendon	9.18	NA	13.92	1.31	NA	24.41	090
26392		A	Repair/graft hand tendon	10.24	NA	17.66	1.52	NA	29.42	090
26410		A	Repair hand tendon	4.62	NA	12.59	0.69	NA	17.90	090
26412		A	Repair/graft hand tendon	6.30	NA	13.92	0.96	NA	21.18	090
26415		A	Excision, hand/finger tendon	8.33	NA	12.28	0.93	NA	21.54	090
26416		A	Graft hand or finger tendon	9.36	NA	15.21	1.45	NA	26.02	090
26418		A	Repair finger tendon	4.24	NA	12.95	0.60	NA	17.79	090
26420		A	Repair/graft finger tendon	6.76	NA	14.26	1.00	NA	22.02	090
26426		A	Repair finger/hand tendon	6.14	NA	13.78	0.93	NA	20.85	090
26428		A	Repair/graft finger tendon	7.20	NA	14.58	1.01	NA	22.79	090
26432		A	Repair finger tendon	4.01	NA	10.69	0.58	NA	15.28	090
26433		A	Repair finger tendon	4.55	NA	11.37	0.68	NA	16.60	090
26434		A	Repair/graft finger tendon	6.08	NA	12.06	0.86	NA	19.00	090
26437		A	Realignment of tendons	5.81	NA	11.98	0.89	NA	18.68	090
26440		A	Release palm/finger tendon	5.01	NA	14.18	0.75	NA	19.94	090
26442		A	Release palm & finger tendon	8.15	NA	16.61	1.13	NA	25.89	090
26445		A	Release hand/finger tendon	4.30	NA	13.93	0.65	NA	18.88	090
26449		A	Release forearm/hand tendon	6.99	NA	16.39	1.01	NA	24.39	090
26450		A	Incision of palm tendon	3.66	NA	7.58	0.55	NA	11.79	090
26455		A	Incision of finger tendon	3.63	NA	7.50	0.57	NA	11.70	090
26460		A	Incise hand/finger tendon	3.45	NA	7.32	0.53	NA	11.30	090
26471		A	Fusion of finger tendons	5.72	NA	11.65	0.88	NA	18.25	090
26474		A	Fusion of finger tendons	5.31	NA	11.84	0.83	NA	17.98	090
26476		A	Tendon lengthening	5.17	NA	11.37	0.75	NA	17.29	090
26477		A	Tendon shortening	5.14	NA	11.54	0.72	NA	17.40	090
26478		A	Lengthening of hand tendon	5.79	NA	12.24	0.93	NA	18.96	090
26479		A	Shortening of hand tendon	5.73	NA	12.08	0.92	NA	18.73	090
26480		A	Transplant hand tendon	6.68	NA	15.68	1.01	NA	23.37	090
26483		A	Transplant/graft hand tendon	8.28	NA	16.12	1.24	NA	25.64	090
26485		A	Transplant palm tendon	7.69	NA	16.01	1.13	NA	24.83	090
26489		A	Transplant/graft palm tendon	9.54	NA	12.54	1.18	NA	23.26	090
26490		A	Revise thumb tendon	8.40	NA	13.16	1.27	NA	22.83	090
26492		A	Tendon transfer with graft	9.61	NA	13.97	1.44	NA	25.02	090
26494		A	Hand tendon/muscle transfer	8.46	NA	13.61	1.36	NA	23.43	090
26496		A	Revise thumb tendon	9.58	NA	13.61	1.41	NA	24.60	090
26497		A	Finger tendon transfer	9.56	NA	13.96	1.41	NA	24.93	090
26498		A	Finger tendon transfer	13.98	NA	16.55	2.10	NA	32.63	090
26499		A	Revision of finger	8.97	NA	13.50	1.13	NA	23.60	090
26500		A	Hand tendon reconstruction	5.95	NA	12.12	0.80	NA	18.87	090
26502		A	Hand tendon reconstruction	7.13	NA	12.58	1.05	NA	20.76	090
26504		A	Hand tendon reconstruction	7.46	NA	13.01	1.01	NA	21.48	090
26508		A	Release thumb contracture	6.00	NA	12.11	0.92	NA	19.03	090
26510		A	Thumb tendon transfer	5.42	NA	11.79	0.86	NA	18.07	090
26516		A	Fusion of knuckle joint	7.14	NA	12.65	1.09	NA	20.88	090
26517		A	Fusion of knuckle joints	8.82	NA	13.96	1.16	NA	23.94	090
26518		A	Fusion of knuckle joints	9.01	NA	13.77	1.36	NA	24.14	090
26520		A	Release knuckle contracture	5.29	NA	14.63	0.78	NA	20.70	090
26525		A	Release finger contracture	5.32	NA	14.74	0.80	NA	20.86	090
26530		A	Revise knuckle joint	6.68	NA	6.02	1.04	NA	13.74	090
26531		A	Revise knuckle with implant	7.90	NA	6.99	1.22	NA	16.11	090
26535		A	Revise finger joint	5.23	NA	3.69	0.80	NA	9.72	090
26536		A	Revise/implant finger joint	6.36	NA	9.74	0.96	NA	17.06	090
26540		A	Repair hand joint	6.42	NA	12.35	0.98	NA	19.75	090
26541		A	Repair hand joint with graft	8.61	NA	13.83	1.35	NA	23.79	090
26542		A	Repair hand joint with graft	6.77	NA	12.39	1.05	NA	20.21	090
26545		A	Reconstruct finger joint	6.91	NA	12.79	0.95	NA	20.65	090
26546		A	Repair nonunion hand	8.91	NA	15.20	1.37	NA	25.48	090
26548		A	Reconstruct finger joint	8.02	NA	13.39	1.18	NA	22.59	090
26550		A	Construct thumb replacement	21.21	NA	18.16	2.17	NA	41.54	090
26551		A	Great toe-hand transfer	46.51	NA	33.71	7.92	NA	88.14	090
26553		A	Single transfer, toe-hand	46.20	NA	23.22	2.40	NA	71.82	090
26554		A	Double transfer, toe-hand	54.87	NA	38.02	9.36	NA	102.25	090
26555		A	Positional change of finger	16.61	NA	18.67	2.57	NA	37.85	090
26556		A	Toe joint transfer	47.19	NA	34.50	8.04	NA	89.73	090
26560		A	Repair of web finger	5.37	NA	10.28	0.72	NA	16.37	090
26561		A	Repair of web finger	10.90	NA	12.93	0.83	NA	24.66	090
26562		A	Repair of web finger	14.98	NA	17.59	1.18	NA	33.75	090
26565		A	Correct metacarpal flaw	6.73	NA	12.46	1.01	NA	20.20	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
26567		A	Correct finger deformity	6.81	NA	12.39	1.01	NA	20.21	090
26568		A	Lengthen metacarpal/finger	9.07	NA	16.09	1.33	NA	26.49	090
26580		A	Repair hand deformity	18.15	NA	13.98	1.76	NA	33.89	090
26587		A	Reconstruct extra finger	14.03	NA	9.05	1.35	NA	24.43	090
26590		A	Repair finger deformity	17.93	NA	14.40	1.59	NA	33.92	090
26591		A	Repair muscles of hand	3.25	NA	10.44	0.45	NA	14.14	090
26593		A	Release muscles of hand	5.30	NA	11.51	0.77	NA	17.58	090
26596		A	Excision constricting tissue	8.94	NA	9.01	1.05	NA	19.00	090
26600		A	Treat metacarpal fracture	1.96	4.08	2.64	0.30	6.34	4.90	090
26605		A	Treat metacarpal fracture	2.85	5.25	3.58	0.46	8.56	6.89	090
26607		A	Treat metacarpal fracture	5.35	NA	6.35	0.84	NA	12.54	090
26608		A	Treat metacarpal fracture	5.35	NA	6.35	0.88	NA	12.58	090
26615		A	Treat metacarpal fracture	5.32	NA	5.53	0.84	NA	11.69	090
26641		A	Treat thumb dislocation	3.93	5.40	3.58	0.51	9.84	8.02	090
26645		A	Treat thumb fracture	4.40	6.10	4.17	0.65	11.15	9.22	090
26650		A	Treat thumb fracture	5.71	NA	6.76	0.93	NA	13.40	090
26665		A	Treat thumb fracture	7.59	NA	6.80	1.17	NA	15.56	090
26670		A	Treat hand dislocation	3.68	4.89	3.03	0.43	9.00	7.14	090
26675		A	Treat hand dislocation	4.63	6.23	4.41	0.68	11.54	9.72	090
26676		A	Pin hand dislocation	5.51	NA	6.79	0.92	NA	13.22	090
26685		A	Treat hand dislocation	6.97	NA	6.26	1.15	NA	14.38	090
26686		A	Treat hand dislocation	7.93	NA	7.03	1.27	NA	16.23	090
26700		A	Treat knuckle dislocation	3.68	4.65	2.96	0.42	8.75	7.06	090
26705		A	Treat knuckle dislocation	4.18	6.03	4.24	0.60	10.81	9.02	090
26706		A	Pin knuckle dislocation	5.11	NA	5.09	0.77	NA	10.97	090
26715		A	Treat knuckle dislocation	5.73	NA	5.71	0.90	NA	12.34	090
26720		A	Treat finger fracture, each	1.66	3.89	2.60	0.24	5.79	4.50	090
26725		A	Treat finger fracture, each	3.33	6.09	4.04	0.52	9.94	7.89	090
26727		A	Treat finger fracture, each	5.22	NA	6.40	0.83	NA	12.45	090
26735		A	Treat finger fracture, each	5.97	NA	5.86	0.93	NA	12.76	090
26740		A	Treat finger fracture, each	1.94	3.56	2.69	0.29	5.79	4.92	090
26742		A	Treat finger fracture, each	3.84	5.81	3.85	0.59	10.24	8.28	090
26746		A	Treat finger fracture, each	5.80	NA	5.91	0.89	NA	12.60	090
26750		A	Treat finger fracture, each	1.70	3.14	2.08	0.23	5.07	4.01	090
26755		A	Treat finger fracture, each	3.10	4.81	3.05	0.45	8.36	6.60	090
26756		A	Pin finger fracture, each	4.38	NA	6.04	0.68	NA	11.10	090
26765		A	Treat finger fracture, each	4.16	NA	4.78	0.62	NA	9.56	090
26770		A	Treat finger dislocation	3.02	4.40	2.55	0.33	7.75	5.90	090
26775		A	Treat finger dislocation	3.70	5.85	3.82	0.52	10.07	8.04	090
26776		A	Pin finger dislocation	4.79	NA	6.21	0.76	NA	11.76	090
26785		A	Treat finger dislocation	4.20	NA	4.81	0.65	NA	9.66	090
26820		A	Thumb fusion with graft	8.25	NA	13.63	1.34	NA	23.22	090
26841		A	Fusion of thumb	7.12	NA	13.53	1.17	NA	21.82	090
26842		A	Thumb fusion with graft	8.23	NA	13.71	1.33	NA	23.27	090
26843		A	Fusion of hand joint	7.60	NA	12.68	1.19	NA	21.47	090
26844		A	Fusion/graft of hand joint	8.72	NA	13.68	1.35	NA	23.75	090
26850		A	Fusion of knuckle	6.96	NA	12.56	1.07	NA	20.59	090
26852		A	Fusion of knuckle with graft	8.45	NA	13.25	1.27	NA	22.97	090
26860		A	Fusion of finger joint	4.68	NA	11.55	0.72	NA	16.95	090
26861		A	Fusion of finger jnt, add-on	1.74	NA	0.93	0.27	NA	2.94	ZZZ
26862		A	Fusion/graft of finger joint	7.36	NA	12.75	1.11	NA	21.22	090
26863		A	Fuse/graft added joint	3.89	NA	2.12	0.62	NA	6.63	ZZZ
26910		A	Amputate metacarpal bone	7.59	NA	11.70	1.09	NA	20.38	090
26951		A	Amputation of finger/thumb	4.58	NA	10.62	0.68	NA	15.88	090
26952		A	Amputation of finger/thumb	6.30	NA	12.23	0.89	NA	19.42	090
26989		C	Hand/finger surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
26990		A	Drainage of pelvis lesion	7.47	NA	7.63	1.11	NA	16.21	090
26991		A	Drainage of pelvis bursa	6.67	7.47	5.94	1.03	15.17	13.64	090
26992		A	Drainage of bone lesion	13.00	NA	10.86	2.11	NA	25.97	090
27000		A	Incision of hip tendon	5.61	NA	5.29	0.92	NA	11.82	090
27001		A	Incision of hip tendon	6.93	NA	6.15	1.15	NA	14.23	090
27003		A	Incision of hip tendon	7.33	NA	6.55	1.12	NA	15.00	090
27005		A	Incision of hip tendon	9.65	NA	7.85	1.64	NA	19.14	090
27006		A	Incision of hip tendons	9.67	NA	7.99	1.60	NA	19.26	090
27025		A	Incision of hip/thigh fascia	11.14	NA	8.60	1.66	NA	21.40	090
27030		A	Drainage of hip joint	12.99	NA	9.66	2.18	NA	24.83	090
27033		A	Exploration of hip joint	13.37	NA	9.93	2.26	NA	25.56	090
27035		A	Denervation of hip joint	16.66	NA	12.33	2.05	NA	31.04	090
27036		A	Excision of hip joint/muscle	12.86	NA	10.03	2.17	NA	25.06	090
27040		A	Biopsy of soft tissues	2.87	2.62	2.05	0.25	5.74	5.17	010
27041		A	Biopsy of soft tissues	9.88	NA	6.73	1.22	NA	17.83	090
27047		A	Remove hip/pelvis lesion	7.44	6.55	4.99	0.95	14.94	13.38	090
27048		A	Remove hip/pelvis lesion	6.24	NA	5.04	0.88	NA	12.16	090
27049		A	Remove tumor, hip/pelvis	13.64	NA	8.81	1.93	NA	24.38	090
27050		A	Biopsy of sacroiliac joint	4.35	NA	4.48	0.64	NA	9.47	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
27052		A	Biopsy of hip joint	6.22	NA	5.89	1.03	NA	13.14	090
27054		A	Removal of hip joint lining	8.53	NA	7.36	1.41	NA	17.30	090
27060		A	Removal of ischial bursa	5.42	NA	4.84	0.72	NA	10.98	090
27062		A	Remove femur lesion/bursa	5.36	NA	5.22	0.89	NA	11.47	090
27065		A	Removal of hip bone lesion	5.89	NA	5.54	0.92	NA	12.35	090
27066		A	Removal of hip bone lesion	10.31	NA	8.51	1.71	NA	20.53	090
27067		A	Remove/graft hip bone lesion	13.81	NA	10.67	2.35	NA	26.83	090
27070		A	Partial removal of hip bone	10.70	NA	9.78	1.64	NA	22.12	090
27071		A	Partial removal of hip bone	11.44	NA	10.75	1.82	NA	24.01	090
27075		A	Extensive hip surgery	34.95	NA	19.68	2.68	NA	57.31	090
27076		A	Extensive hip surgery	22.09	NA	14.79	3.45	NA	40.33	090
27077		A	Extensive hip surgery	39.94	NA	23.10	3.84	NA	66.88	090
27078		A	Extensive hip surgery	13.42	NA	10.43	2.01	NA	25.86	090
27079		A	Extensive hip surgery	13.73	NA	10.09	2.24	NA	26.06	090
27080		A	Removal of tail bone	6.38	NA	5.08	0.96	NA	12.42	090
27086		A	Remove hip foreign body	1.87	2.01	1.87	0.21	4.09	3.95	010
27087		A	Remove hip foreign body	8.53	NA	6.71	1.31	NA	16.55	090
27090		A	Removal of hip prosthesis	11.13	NA	8.65	1.87	NA	21.65	090
27091		A	Removal of hip prosthesis	22.11	NA	13.86	3.75	NA	39.72	090
27093		A	Injection for hip x-ray	1.30	12.21	0.48	0.11	13.62	1.89	000
27095		A	Injection for hip x-ray	1.50	10.76	0.52	0.12	12.38	2.14	000
27096		A	Inject sacroiliac joint	1.40	9.35	0.33	0.10	10.85	1.83	000
27097		A	Revision of hip tendon	8.79	NA	6.47	1.47	NA	16.73	090
27098		A	Transfer tendon to pelvis	8.82	NA	7.10	1.50	NA	17.42	090
27100		A	Transfer of abdominal muscle	11.06	NA	8.73	1.89	NA	21.68	090
27105		A	Transfer of spinal muscle	11.75	NA	9.20	2.00	NA	22.95	090
27110		A	Transfer of iliopsoas muscle	13.24	NA	9.33	1.66	NA	24.23	090
27111		A	Transfer of iliopsoas muscle	12.13	NA	9.18	1.79	NA	23.10	090
27120		A	Reconstruction of hip socket	17.98	NA	11.74	2.95	NA	32.67	090
27122		A	Reconstruction of hip socket	14.96	NA	10.91	2.51	NA	28.38	090
27125		A	Partial hip replacement	14.67	NA	10.49	2.47	NA	27.63	090
27130		A	Total hip arthroplasty	20.09	NA	13.21	3.40	NA	36.70	090
27132		A	Total hip arthroplasty	23.27	NA	15.48	3.93	NA	42.68	090
27134		A	Revise hip joint replacement	28.48	NA	17.69	4.79	NA	50.96	090
27137		A	Revise hip joint replacement	21.14	NA	13.82	3.58	NA	38.54	090
27138		A	Revise hip joint replacement	22.14	NA	14.28	3.75	NA	40.17	090
27140		A	Transplant femur ridge	12.22	NA	9.41	2.01	NA	23.64	090
27146		A	Incision of hip bone	17.40	NA	12.27	2.74	NA	32.41	090
27147		A	Revision of hip bone	20.55	NA	13.34	3.15	NA	37.04	090
27151		A	Incision of hip bones	22.48	NA	8.21	3.76	NA	34.45	090
27156		A	Revision of hip bones	24.59	NA	16.10	4.20	NA	44.89	090
27158		A	Revision of pelvis	19.71	NA	11.24	3.14	NA	34.09	090
27161		A	Incision of neck of femur	16.68	NA	12.09	2.80	NA	31.57	090
27165		A	Incision/fixation of femur	17.88	NA	12.85	3.03	NA	33.76	090
27170		A	Repair/graft femur head/neck	16.05	NA	11.30	2.65	NA	30.00	090
27175		A	Treat slipped epiphysis	8.45	NA	6.58	1.44	NA	16.47	090
27176		A	Treat slipped epiphysis	12.03	NA	8.98	2.03	NA	23.04	090
27177		A	Treat slipped epiphysis	15.06	NA	10.83	2.54	NA	28.43	090
27178		A	Treat slipped epiphysis	11.97	NA	8.40	2.03	NA	22.40	090
27179		A	Revise head/neck of femur	12.96	NA	9.92	2.22	NA	25.10	090
27181		A	Treat slipped epiphysis	14.66	NA	10.15	2.10	NA	26.91	090
27185		A	Revision of femur epiphysis	9.17	NA	7.58	1.56	NA	18.31	090
27187		A	Reinforce hip bones	13.52	NA	10.33	2.28	NA	26.13	090
27193		A	Treat pelvic ring fracture	5.55	7.10	5.74	0.93	13.58	12.22	090
27194		A	Treat pelvic ring fracture	9.64	8.75	7.50	1.59	19.98	18.73	090
27200		A	Treat tail bone fracture	1.84	3.04	2.17	0.27	5.15	4.28	090
27202		A	Treat tail bone fracture	7.03	NA	17.65	0.83	NA	25.51	090
27215		A	Treat pelvic fracture(s)	10.03	NA	7.17	1.65	NA	18.85	090
27216		A	Treat pelvic ring fracture	15.17	NA	9.72	2.59	NA	27.48	090
27217		A	Treat pelvic ring fracture	14.09	NA	10.15	2.35	NA	26.59	090
27218		A	Treat pelvic ring fracture	20.12	NA	11.50	3.44	NA	35.06	090
27220		A	Treat hip socket fracture	6.17	7.06	5.51	1.03	14.26	12.71	090
27222		A	Treat hip socket fracture	12.68	NA	9.88	2.13	NA	24.69	090
27226		A	Treat hip wall fracture	14.89	NA	7.92	2.50	NA	25.31	090
27227		A	Treat hip fracture(s)	23.41	NA	15.35	3.91	NA	42.67	090
27228		A	Treat hip fracture(s)	27.12	NA	17.57	4.55	NA	49.24	090
27230		A	Treat thigh fracture	5.49	6.51	5.04	0.88	12.88	11.41	090
27232		A	Treat thigh fracture	10.66	NA	7.18	1.75	NA	19.59	090
27235		A	Treat thigh fracture	12.14	NA	9.39	2.06	NA	23.59	090
27236		A	Treat thigh fracture	15.58	NA	10.93	2.63	NA	29.14	090
27238		A	Treat thigh fracture	5.51	NA	5.09	0.92	NA	11.52	090
27240		A	Treat thigh fracture	12.48	NA	9.37	2.04	NA	23.89	090
27244		A	Treat thigh fracture	15.92	NA	11.26	2.69	NA	29.87	090
27245		A	Treat thigh fracture	20.28	NA	13.70	3.44	NA	37.42	090
27246		A	Treat thigh fracture	4.70	5.66	4.41	0.80	11.16	9.91	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
27248		A	Treat thigh fracture	10.43	NA	8.19	1.75	NA	20.37	090
27250		A	Treat hip dislocation	6.94	NA	4.77	0.82	NA	12.53	090
27252		A	Treat hip dislocation	10.37	NA	7.39	1.65	NA	19.41	090
27253		A	Treat hip dislocation	12.90	NA	9.72	2.18	NA	24.80	090
27254		A	Treat hip dislocation	18.23	NA	12.03	3.04	NA	33.30	090
27256		A	Treat hip dislocation	4.11	3.43	2.09	0.59	8.13	6.79	010
27257		A	Treat hip dislocation	5.21	NA	2.88	0.68	NA	8.77	010
27258		A	Treat hip dislocation	15.41	NA	10.91	2.48	NA	28.80	090
27259		A	Treat hip dislocation	21.52	NA	14.16	3.61	NA	39.29	090
27265		A	Treat hip dislocation	5.04	NA	4.76	0.78	NA	10.58	090
27266		A	Treat hip dislocation	7.48	NA	6.27	1.25	NA	15.00	090
27275		A	Manipulation of hip joint	2.27	NA	2.13	0.37	NA	4.77	010
27280		A	Fusion of sacroiliac joint	13.37	NA	10.30	2.39	NA	26.06	090
27282		A	Fusion of pubic bones	11.32	NA	8.23	1.37	NA	20.92	090
27284		A	Fusion of hip joint	23.41	NA	14.83	2.85	NA	41.09	090
27286		A	Fusion of hip joint	23.41	NA	15.81	2.86	NA	42.08	090
27290		A	Amputation of leg at hip	23.25	NA	14.16	3.55	NA	40.96	090
27295		A	Amputation of leg at hip	18.62	NA	11.54	2.83	NA	32.99	090
27299		C	Pelvis/hip joint surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
27301		A	Drain thigh/knee lesion	6.48	7.34	5.88	0.96	14.78	13.32	090
27303		A	Drainage of bone lesion	8.27	NA	7.24	1.37	NA	16.88	090
27305		A	Incise thigh tendon & fascia	5.91	NA	5.36	0.93	NA	12.20	090
27306		A	Incision of thigh tendon	4.61	NA	4.80	0.75	NA	10.16	090
27307		A	Incision of thigh tendons	5.79	NA	5.52	0.94	NA	12.25	090
27310		A	Exploration of knee joint	9.26	NA	7.54	1.56	NA	18.36	090
27315		A	Partial removal, thigh nerve	6.96	NA	4.83	0.95	NA	12.74	090
27320		A	Partial removal, thigh nerve	6.29	NA	5.12	0.94	NA	12.35	090
27323		A	Biopsy, thigh soft tissues	2.28	2.19	1.92	0.21	4.68	4.41	010
27324		A	Biopsy, thigh soft tissues	4.89	NA	4.35	0.71	NA	9.95	090
27327		A	Removal of thigh lesion	4.46	5.34	3.91	0.60	10.40	8.97	090
27328		A	Removal of thigh lesion	5.56	NA	4.57	0.80	NA	10.93	090
27329		A	Remove tumor, thigh/knee	14.12	NA	9.51	2.03	NA	25.66	090
27330		A	Biopsy, knee joint lining	4.96	NA	4.61	0.80	NA	10.37	090
27331		A	Explore/treat knee joint	5.87	NA	5.51	0.98	NA	12.36	090
27332		A	Removal of knee cartilage	8.26	NA	7.08	1.39	NA	16.73	090
27333		A	Removal of knee cartilage	7.29	NA	6.60	1.24	NA	15.13	090
27334		A	Remove knee joint lining	8.69	NA	7.38	1.46	NA	17.53	090
27335		A	Remove knee joint lining	9.99	NA	8.18	1.70	NA	19.87	090
27340		A	Removal of kneecap bursa	4.17	NA	4.53	0.70	NA	9.40	090
27345		A	Removal of knee cyst	5.91	NA	5.61	0.98	NA	12.50	090
27347		A	Remove knee cyst	5.77	NA	5.42	0.92	NA	12.11	090
27350		A	Removal of kneecap	8.16	NA	7.19	1.39	NA	16.74	090
27355		A	Remove femur lesion	7.64	NA	6.81	1.29	NA	15.74	090
27356		A	Remove femur lesion/graft	9.47	NA	7.88	1.56	NA	18.91	090
27357		A	Remove femur lesion/graft	10.51	NA	8.70	1.79	NA	21.00	090
27358		A	Remove femur lesion/fixation	4.73	NA	2.54	0.81	NA	8.08	ZZZ
27360		A	Partial removal, leg bone(s)	10.48	NA	9.95	1.71	NA	22.14	090
27365		A	Extensive leg surgery	16.25	NA	11.67	2.73	NA	30.65	090
27370		A	Injection for knee x-ray	0.96	12.01	0.32	0.07	13.04	1.35	000
27372		A	Removal of foreign body	5.06	6.00	4.69	0.75	11.81	10.50	090
27380		A	Repair of kneecap tendon	7.15	NA	7.25	1.21	NA	15.61	090
27381		A	Repair/graft kneecap tendon	10.32	NA	9.05	1.74	NA	21.11	090
27385		A	Repair of thigh muscle	7.75	NA	7.59	1.31	NA	16.65	090
27386		A	Repair/graft of thigh muscle	10.54	NA	9.46	1.80	NA	21.80	090
27390		A	Incision of thigh tendon	5.32	NA	5.26	0.83	NA	11.41	090
27391		A	Incision of thigh tendons	7.19	NA	6.63	1.19	NA	15.01	090
27392		A	Incision of thigh tendons	9.19	NA	7.72	1.48	NA	18.39	090
27393		A	Lengthening of thigh tendon	6.38	NA	5.85	1.09	NA	13.32	090
27394		A	Lengthening of thigh tendons	8.49	NA	7.28	1.41	NA	17.18	090
27395		A	Lengthening of thigh tendons	11.71	NA	9.38	1.97	NA	23.06	090
27396		A	Transplant of thigh tendon	7.85	NA	7.07	1.34	NA	16.26	090
27397		A	Transplants of thigh tendons	11.26	NA	9.03	1.91	NA	22.20	090
27400		A	Revise thigh muscles/tendons	9.01	NA	7.34	1.42	NA	17.77	090
27403		A	Repair of knee cartilage	8.32	NA	7.14	1.40	NA	16.86	090
27405		A	Repair of knee ligament	8.64	NA	7.46	1.46	NA	17.56	090
27407		A	Repair of knee ligament	10.26	NA	8.30	1.66	NA	20.22	090
27409		A	Repair of knee ligaments	12.88	NA	9.91	2.11	NA	24.90	090
27418		A	Repair degenerated kneecap	10.83	NA	8.85	1.82	NA	21.50	090
27420		A	Revision of unstable kneecap	9.82	NA	8.05	1.66	NA	19.53	090
27422		A	Revision of unstable kneecap	9.77	NA	8.07	1.65	NA	19.49	090
27424		A	Revision/removal of kneecap	9.80	NA	8.04	1.66	NA	19.50	090
27425		A	Lat retinacular release open	5.21	NA	5.49	0.88	NA	11.58	090
27427		A	Reconstruction, knee	9.35	NA	7.74	1.56	NA	18.65	090
27428		A	Reconstruction, knee	13.98	NA	11.10	2.35	NA	27.43	090
27429		A	Reconstruction, knee	15.50	NA	12.34	2.63	NA	30.47	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
27430		A	Revision of thigh muscles	9.66	NA	7.96	1.63	NA	19.25	090
27435		A	Incision of knee joint	9.48	NA	8.36	1.60	NA	19.44	090
27437		A	Revise kneecap	8.45	NA	7.11	1.42	NA	16.98	090
27438		A	Revise kneecap with implant	11.21	NA	8.43	1.88	NA	21.52	090
27440		A	Revision of knee joint	10.41	NA	5.97	1.71	NA	18.09	090
27441		A	Revision of knee joint	10.80	NA	6.65	1.80	NA	19.25	090
27442		A	Revision of knee joint	11.87	NA	8.80	2.03	NA	22.70	090
27443		A	Revision of knee joint	10.91	NA	8.59	1.83	NA	21.33	090
27445		A	Revision of knee joint	17.65	NA	12.23	3.00	NA	32.88	090
27446		A	Revision of knee joint	15.82	NA	11.15	2.68	NA	29.65	090
27447		A	Total knee arthroplasty	21.45	NA	14.46	3.62	NA	39.53	090
27448		A	Incision of thigh	11.04	NA	8.65	1.82	NA	21.51	090
27450		A	Incision of thigh	13.96	NA	10.59	2.36	NA	26.91	090
27454		A	Realignment of thigh bone	17.53	NA	12.50	2.97	NA	33.00	090
27455		A	Realignment of knee	12.80	NA	9.87	2.15	NA	24.82	090
27457		A	Realignment of knee	13.43	NA	9.91	2.27	NA	25.61	090
27465		A	Shortening of thigh bone	13.85	NA	10.34	2.24	NA	26.43	090
27466		A	Lengthening of thigh bone	16.31	NA	11.87	2.32	NA	30.50	090
27468		A	Shorten/lengthen thighs	18.94	NA	12.45	3.23	NA	34.62	090
27470		A	Repair of thigh	16.05	NA	11.83	2.70	NA	30.58	090
27472		A	Repair/graft of thigh	17.69	NA	12.72	3.00	NA	33.41	090
27475		A	Surgery to stop leg growth	8.63	NA	7.22	1.36	NA	17.21	090
27477		A	Surgery to stop leg growth	9.84	NA	7.73	1.58	NA	19.15	090
27479		A	Surgery to stop leg growth	12.78	NA	9.86	2.18	NA	24.82	090
27485		A	Surgery to stop leg growth	8.83	NA	7.38	1.50	NA	17.71	090
27486		A	Revise/replace knee joint	19.24	NA	13.34	3.26	NA	35.84	090
27487		A	Revise/replace knee joint	25.23	NA	16.41	4.27	NA	45.91	090
27488		A	Removal of knee prosthesis	15.72	NA	11.54	2.67	NA	29.93	090
27495		A	Reinforce thigh	15.53	NA	11.47	2.63	NA	29.63	090
27496		A	Decompression of thigh/knee	6.10	NA	5.72	0.93	NA	12.75	090
27497		A	Decompression of thigh/knee	7.16	NA	5.66	1.01	NA	13.83	090
27498		A	Decompression of thigh/knee	7.98	NA	6.11	1.17	NA	15.26	090
27499		A	Decompression of thigh/knee	8.99	NA	6.99	1.42	NA	17.40	090
27500		A	Treatment of thigh fracture	5.91	7.01	4.99	0.96	13.88	11.86	090
27501		A	Treatment of thigh fracture	5.91	7.57	5.66	1.00	14.48	12.57	090
27502		A	Treatment of thigh fracture	10.56	NA	8.10	1.80	NA	20.46	090
27503		A	Treatment of thigh fracture	10.56	NA	8.26	1.80	NA	20.62	090
27506		A	Treatment of thigh fracture	17.42	NA	12.70	2.81	NA	32.93	090
27507		A	Treatment of thigh fracture	13.97	NA	9.88	2.35	NA	26.20	090
27508		A	Treatment of thigh fracture	5.82	6.97	5.32	0.96	13.75	12.10	090
27509		A	Treatment of thigh fracture	7.70	NA	7.90	1.30	NA	16.90	090
27510		A	Treatment of thigh fracture	9.12	NA	7.17	1.52	NA	17.81	090
27511		A	Treatment of thigh fracture	13.62	NA	11.19	2.30	NA	27.11	090
27513		A	Treatment of thigh fracture	17.89	NA	13.83	3.03	NA	34.75	090
27514		A	Treatment of thigh fracture	17.27	NA	13.29	2.91	NA	33.47	090
27516		A	Treat thigh fx growth plate	5.36	7.27	5.38	0.89	13.52	11.63	090
27517		A	Treat thigh fx growth plate	8.77	8.89	7.35	1.47	19.13	17.59	090
27519		A	Treat thigh fx growth plate	15.00	NA	11.61	2.52	NA	29.13	090
27520		A	Treat kneecap fracture	2.86	5.22	3.41	0.46	8.54	6.73	090
27524		A	Treat kneecap fracture	9.99	NA	8.14	1.69	NA	19.82	090
27530		A	Treat knee fracture	3.77	5.88	4.26	0.62	10.27	8.65	090
27532		A	Treat knee fracture	7.29	7.82	6.26	1.23	16.34	14.78	090
27535		A	Treat knee fracture	11.48	NA	10.09	1.94	NA	23.51	090
27536		A	Treat knee fracture	15.63	NA	11.48	2.64	NA	29.75	090
27538		A	Treat knee fracture(s)	4.86	7.07	5.08	0.81	12.74	10.75	090
27540		A	Treat knee fracture	13.08	NA	9.46	2.17	NA	24.71	090
27550		A	Treat knee dislocation	5.75	6.57	4.92	0.82	13.14	11.49	090
27552		A	Treat knee dislocation	7.89	NA	6.86	1.33	NA	16.08	090
27556		A	Treat knee dislocation	14.39	NA	11.66	2.42	NA	28.47	090
27557		A	Treat knee dislocation	16.74	NA	13.12	2.86	NA	32.72	090
27558		A	Treat knee dislocation	17.69	NA	13.08	3.03	NA	33.80	090
27560		A	Treat kneecap dislocation	3.81	5.58	3.29	0.48	9.87	7.58	090
27562		A	Treat kneecap dislocation	5.78	NA	4.79	0.83	NA	11.40	090
27566		A	Treat kneecap dislocation	12.21	NA	9.26	2.09	NA	23.56	090
27570		A	Fixation of knee joint	1.74	NA	1.81	0.29	NA	3.84	010
27580		A	Fusion of knee	19.34	NA	14.75	3.26	NA	37.35	090
27590		A	Amputate leg at thigh	12.01	NA	7.10	1.63	NA	20.74	090
27591		A	Amputate leg at thigh	12.66	NA	8.87	1.97	NA	23.50	090
27592		A	Amputate leg at thigh	10.00	NA	6.59	1.41	NA	18.00	090
27594		A	Amputation follow-up surgery	6.91	NA	5.45	0.99	NA	13.35	090
27596		A	Amputation follow-up surgery	10.58	NA	7.22	1.50	NA	19.30	090
27598		A	Amputate lower leg at knee	10.51	NA	7.32	1.50	NA	19.33	090
27599		C	Leg surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
27600		A	Decompression of lower leg	5.64	NA	4.75	0.82	NA	11.21	090
27601		A	Decompression of lower leg	5.63	NA	5.04	0.83	NA	11.50	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
27602		A	Decompression of lower leg	7.34	NA	5.33	1.03	NA	13.70	090
27603		A	Drain lower leg lesion	4.93	10.64	4.85	0.68	16.25	10.46	090
27604		A	Drain lower leg bursa	4.46	8.58	4.53	0.65	13.69	9.64	090
27605		A	Incision of achilles tendon	2.87	8.80	2.34	0.46	12.13	5.67	010
27606		A	Incision of achilles tendon	4.13	10.03	3.40	0.69	14.85	8.22	010
27607		A	Treat lower leg bone lesion	7.96	NA	6.58	1.30	NA	15.84	090
27610		A	Explore/treat ankle joint	8.33	NA	7.06	1.39	NA	16.78	090
27612		A	Exploration of ankle joint	7.32	NA	6.12	1.22	NA	14.66	090
27613		A	Biopsy lower leg soft tissue	2.17	3.77	1.76	0.19	6.13	4.12	010
27614		A	Biopsy lower leg soft tissue	5.65	8.78	4.63	0.75	15.18	11.03	090
27615		A	Remove tumor, lower leg	12.54	NA	10.56	1.68	NA	24.78	090
27618		A	Remove lower leg lesion	5.08	9.10	4.21	0.65	14.83	9.94	090
27619		A	Remove lower leg lesion	8.39	10.62	6.17	1.22	20.23	15.78	090
27620		A	Explore/treat ankle joint	5.97	NA	5.50	1.00	NA	12.47	090
27625		A	Remove ankle joint lining	8.29	NA	6.54	1.40	NA	16.23	090
27626		A	Remove ankle joint lining	8.90	NA	7.00	1.48	NA	17.38	090
27630		A	Removal of tendon lesion	4.79	8.99	4.46	0.72	14.50	9.97	090
27635		A	Remove lower leg bone lesion	7.77	NA	6.84	1.28	NA	15.89	090
27637		A	Remove/graft leg bone lesion	9.84	NA	8.35	1.66	NA	19.85	090
27638		A	Remove/graft leg bone lesion	10.55	NA	8.39	1.77	NA	20.71	090
27640		A	Partial removal of tibia	11.35	NA	10.81	1.86	NA	24.02	090
27641		A	Partial removal of fibula	9.23	NA	8.83	1.47	NA	19.53	090
27645		A	Extensive lower leg surgery	14.15	NA	12.34	2.39	NA	28.88	090
27646		A	Extensive lower leg surgery	12.64	NA	11.34	1.87	NA	25.85	090
27647		A	Extensive ankle/heel surgery	12.22	NA	7.85	1.98	NA	22.05	090
27648		A	Injection for ankle x-ray	0.96	9.45	0.33	0.06	10.47	1.35	000
27650		A	Repair achilles tendon	9.68	NA	7.51	1.63	NA	18.82	090
27652		A	Repair/graft achilles tendon	10.31	NA	8.01	1.75	NA	20.07	090
27654		A	Repair of achilles tendon	10.00	NA	7.23	1.70	NA	18.93	090
27656		A	Repair leg fascia defect	4.56	9.93	4.01	0.58	15.07	9.15	090
27658		A	Repair of leg tendon, each	4.97	9.18	4.77	0.82	14.97	10.56	090
27659		A	Repair of leg tendon, each	6.80	11.30	5.80	1.16	19.26	13.76	090
27664		A	Repair of leg tendon, each	4.58	11.26	4.74	0.76	16.60	10.08	090
27665		A	Repair of leg tendon, each	5.39	11.05	5.18	0.90	17.34	11.47	090
27675		A	Repair lower leg tendons	7.17	NA	5.79	1.22	NA	14.18	090
27676		A	Repair lower leg tendons	8.41	NA	6.77	1.39	NA	16.57	090
27680		A	Release of lower leg tendon	5.73	NA	5.19	0.96	NA	11.88	090
27681		A	Release of lower leg tendons	6.81	NA	5.96	1.11	NA	13.88	090
27685		A	Revision of lower leg tendon	6.49	8.11	5.51	1.10	15.70	13.10	090
27686		A	Revise lower leg tendons	7.45	12.57	6.59	1.27	21.29	15.31	090
27687		A	Revision of calf tendon	6.23	NA	5.42	1.06	NA	12.71	090
27690		A	Revise lower leg tendon	8.70	NA	6.45	1.47	NA	16.62	090
27691		A	Revise lower leg tendon	9.95	NA	7.81	1.69	NA	19.45	090
27692		A	Revise additional leg tendon	1.87	NA	0.93	0.31	NA	3.11	ZZZ
27695		A	Repair of ankle ligament	6.50	NA	5.92	1.09	NA	13.51	090
27696		A	Repair of ankle ligaments	8.26	NA	6.50	1.40	NA	16.16	090
27698		A	Repair of ankle ligament	9.35	NA	6.98	1.58	NA	17.91	090
27700		A	Revision of ankle joint	9.28	NA	5.62	1.50	NA	16.40	090
27702		A	Reconstruct ankle joint	13.65	NA	10.32	2.32	NA	26.29	090
27703		A	Reconstruction, ankle joint	15.85	NA	11.09	2.70	NA	29.64	090
27704		A	Removal of ankle implant	7.61	NA	5.52	0.74	NA	13.87	090
27705		A	Incision of tibia	10.36	NA	8.23	1.74	NA	20.33	090
27707		A	Incision of fibula	4.36	NA	5.01	0.72	NA	10.09	090
27709		A	Incision of tibia & fibula	9.94	NA	8.16	1.68	NA	19.78	090
27712		A	Realignment of lower leg	14.23	NA	10.72	2.41	NA	27.36	090
27715		A	Revision of lower leg	14.37	NA	10.84	2.41	NA	27.62	090
27720		A	Repair of tibia	11.77	NA	9.45	2.00	NA	23.22	090
27722		A	Repair/graft of tibia	11.80	NA	9.21	1.99	NA	23.00	090
27724		A	Repair/graft of tibia	18.17	NA	12.45	2.53	NA	33.15	090
27725		A	Repair of lower leg	15.57	NA	11.88	2.65	NA	30.10	090
27727		A	Repair of lower leg	13.99	NA	10.41	2.22	NA	26.62	090
27730		A	Repair of tibia epiphysis	7.40	17.74	6.45	0.90	26.04	14.75	090
27732		A	Repair of fibula epiphysis	5.31	11.60	5.00	0.76	17.67	11.07	090
27734		A	Repair lower leg epiphyses	8.47	NA	6.42	1.03	NA	15.92	090
27740		A	Repair of leg epiphyses	9.29	20.61	7.93	1.58	31.48	18.80	090
27742		A	Repair of leg epiphyses	10.28	12.50	7.26	1.87	24.65	19.41	090
27745		A	Reinforce tibia	10.05	NA	8.21	1.66	NA	19.92	090
27750		A	Treatment of tibia fracture	3.19	5.37	3.77	0.52	9.08	7.48	090
27752		A	Treatment of tibia fracture	5.83	7.38	5.49	0.99	14.20	12.31	090
27756		A	Treatment of tibia fracture	6.77	NA	6.52	1.13	NA	14.42	090
27758		A	Treatment of tibia fracture	11.65	NA	9.19	1.83	NA	22.67	090
27759		A	Treatment of tibia fracture	13.74	NA	10.32	2.33	NA	26.39	090
27760		A	Treatment of ankle fracture	3.01	5.25	3.53	0.47	8.73	7.01	090
27762		A	Treatment of ankle fracture	5.24	7.12	5.16	0.86	13.22	11.26	090
27766		A	Treatment of ankle fracture	8.35	NA	7.16	1.41	NA	16.92	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
27780		A	Treatment of fibula fracture	2.65	4.92	3.21	0.40	7.97	6.26	090
27781		A	Treatment of fibula fracture	4.39	6.35	4.49	0.69	11.43	9.57	090
27784		A	Treatment of fibula fracture	7.10	NA	6.45	1.18	NA	14.73	090
27786		A	Treatment of ankle fracture	2.84	5.09	3.33	0.45	8.38	6.62	090
27788		A	Treatment of ankle fracture	4.44	6.46	4.50	0.74	11.64	9.68	090
27792		A	Treatment of ankle fracture	7.65	NA	6.90	1.29	NA	15.84	090
27808		A	Treatment of ankle fracture	2.83	5.68	3.60	0.46	8.97	6.89	090
27810		A	Treatment of ankle fracture	5.12	6.95	4.99	0.86	12.93	10.97	090
27814		A	Treatment of ankle fracture	10.66	NA	8.55	1.81	NA	21.02	090
27816		A	Treatment of ankle fracture	2.89	4.99	3.40	0.45	8.33	6.74	090
27818		A	Treatment of ankle fracture	5.49	7.06	5.04	0.89	13.44	11.42	090
27822		A	Treatment of ankle fracture	10.98	NA	10.63	1.56	NA	23.17	090
27823		A	Treatment of ankle fracture	12.98	NA	11.49	1.99	NA	26.46	090
27824		A	Treat lower leg fracture	2.89	5.56	3.74	0.47	8.92	7.10	090
27825		A	Treat lower leg fracture	6.18	8.19	5.86	1.03	15.40	13.07	090
27826		A	Treat lower leg fracture	8.53	NA	8.87	1.44	NA	18.84	090
27827		A	Treat lower leg fracture	14.04	NA	12.71	2.36	NA	29.11	090
27828		A	Treat lower leg fracture	16.21	NA	13.85	2.74	NA	32.80	090
27829		A	Treat lower leg joint	5.48	NA	6.77	0.93	NA	13.18	090
27830		A	Treat lower leg dislocation	3.78	5.12	3.83	0.53	9.43	8.14	090
27831		A	Treat lower leg dislocation	4.55	NA	4.43	0.74	NA	9.72	090
27832		A	Treat lower leg dislocation	6.48	NA	6.16	1.10	NA	13.74	090
27840		A	Treat ankle dislocation	4.57	NA	3.89	0.57	NA	9.03	090
27842		A	Treat ankle dislocation	6.20	NA	5.08	0.92	NA	12.20	090
27846		A	Treat ankle dislocation	9.78	NA	7.91	1.64	NA	19.33	090
27848		A	Treat ankle dislocation	11.18	NA	9.71	1.87	NA	22.76	090
27860		A	Fixation of ankle joint	2.34	NA	2.01	0.37	NA	4.72	010
27870		A	Fusion of ankle joint, open	13.89	NA	10.50	2.35	NA	26.74	090
27871		A	Fusion of tibiofibular joint	9.16	NA	7.62	1.56	NA	18.34	090
27880		A	Amputation of lower leg	11.83	NA	7.46	1.66	NA	20.95	090
27881		A	Amputation of lower leg	12.32	NA	9.01	1.92	NA	23.25	090
27882		A	Amputation of lower leg	8.93	NA	6.93	1.24	NA	17.10	090
27884		A	Amputation follow-up surgery	8.20	NA	6.10	1.15	NA	15.45	090
27886		A	Amputation follow-up surgery	9.31	NA	6.82	1.36	NA	17.49	090
27888		A	Amputation of foot at ankle	9.66	NA	7.60	1.52	NA	18.78	090
27889		A	Amputation of foot at ankle	9.97	NA	6.74	1.44	NA	18.15	090
27892		A	Decompression of leg	7.38	NA	5.85	1.04	NA	14.27	090
27893		A	Decompression of leg	7.34	NA	5.74	1.09	NA	14.17	090
27894		A	Decompression of leg	10.47	NA	7.93	1.51	NA	19.91	090
27899		C	Leg/ankle surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
28001		A	Drainage of bursa of foot	2.73	5.82	3.51	0.37	8.92	6.61	010
28002		A	Treatment of foot infection	4.61	7.22	4.64	0.68	12.51	9.93	010
28003		A	Treatment of foot infection	8.40	7.68	6.04	1.24	17.32	15.68	090
28005		A	Treat foot bone lesion	8.67	NA	6.36	1.37	NA	16.40	090
28008		A	Incision of foot fascia	4.44	5.68	3.55	0.68	10.80	8.67	090
28010		A	Incision of toe tendon	2.84	5.53	2.91	0.47	8.84	6.22	090
28011		A	Incision of toe tendons	4.13	7.42	4.24	0.70	12.25	9.07	090
28020		A	Exploration of foot joint	5.00	7.07	4.20	0.77	12.84	9.97	090
28022		A	Exploration of foot joint	4.66	6.09	3.93	0.75	11.50	9.34	090
28024		A	Exploration of toe joint	4.37	6.20	3.99	0.60	11.17	8.96	090
28030		A	Removal of foot nerve	6.14	NA	3.58	1.03	NA	10.75	090
28035		A	Decompression of tibia nerve	5.08	5.54	4.03	0.86	11.48	9.97	090
28043		A	Excision of foot lesion	3.53	5.79	3.28	0.54	9.86	7.35	090
28045		A	Excision of foot lesion	4.71	6.12	3.71	0.75	11.58	9.17	090
28046		A	Resection of tumor, foot	10.16	9.42	7.34	1.36	20.94	18.86	090
28050		A	Biopsy of foot joint lining	4.24	5.78	3.66	0.66	10.68	8.56	090
28052		A	Biopsy of foot joint lining	3.93	5.97	3.56	0.62	10.52	8.11	090
28054		A	Biopsy of toe joint lining	3.44	5.82	3.36	0.54	9.80	7.34	090
28060		A	Partial removal, foot fascia	5.22	6.39	4.03	0.83	12.44	10.08	090
28062		A	Removal of foot fascia	6.51	7.13	4.19	1.03	14.67	11.73	090
28070		A	Removal of foot joint lining	5.09	5.96	3.89	0.82	11.87	9.80	090
28072		A	Removal of foot joint lining	4.57	6.43	4.32	0.77	11.77	9.66	090
28080		A	Removal of foot lesion	3.57	5.93	3.70	0.60	10.10	7.87	090
28086		A	Excise foot tendon sheath	4.77	9.50	4.69	0.80	15.07	10.26	090
28088		A	Excise foot tendon sheath	3.85	7.04	4.00	0.63	11.52	8.48	090
28090		A	Removal of foot lesion	4.40	6.02	3.55	0.69	11.11	8.64	090
28092		A	Removal of toe lesions	3.63	6.33	3.61	0.55	10.51	7.79	090
28100		A	Removal of ankle/heel lesion	5.65	9.21	4.81	0.92	15.78	11.38	090
28102		A	Remove/graft foot lesion	7.72	NA	6.05	1.17	NA	14.94	090
28103		A	Remove/graft foot lesion	6.49	8.41	4.76	1.07	15.97	12.32	090
28104		A	Removal of foot lesion	5.11	6.35	4.05	0.83	12.29	9.99	090
28106		A	Remove/graft foot lesion	7.15	NA	4.59	1.22	NA	12.96	090
28107		A	Remove/graft foot lesion	5.55	7.24	4.32	0.89	13.68	10.76	090
28108		A	Removal of toe lesions	4.15	5.44	3.36	0.63	10.22	8.14	090
28110		A	Part removal of metatarsal	4.07	6.03	3.68	0.59	10.69	8.34	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
28111		A	Part removal of metatarsal	5.00	7.18	4.18	0.76	12.94	9.94	090
28112		A	Part removal of metatarsal	4.48	6.69	4.06	0.72	11.89	9.26	090
28113		A	Part removal of metatarsal	4.78	6.81	4.66	0.76	12.35	10.20	090
28114		A	Removal of metatarsal heads	9.78	11.93	8.52	1.64	23.35	19.94	090
28116		A	Revision of foot	7.74	7.20	5.22	1.24	16.18	14.20	090
28118		A	Removal of heel bone	5.95	7.13	4.53	0.95	14.03	11.43	090
28119		A	Removal of heel spur	5.38	6.21	3.87	0.89	12.48	10.14	090
28120		A	Part removal of ankle/heel	5.39	8.67	5.07	0.83	14.89	11.29	090
28122		A	Partial removal of foot bone	7.28	7.89	5.69	1.16	16.33	14.13	090
28124		A	Partial removal of toe	4.80	6.08	4.06	0.78	11.66	9.64	090
28126		A	Partial removal of toe	3.51	5.34	3.51	0.59	9.44	7.61	090
28130		A	Removal of ankle bone	8.10	NA	6.70	1.34	NA	16.14	090
28140		A	Removal of metatarsal	6.90	8.26	5.00	1.01	16.17	12.91	090
28150		A	Removal of toe	4.08	5.98	3.78	0.63	10.69	8.49	090
28153		A	Partial removal of toe	3.65	5.40	3.08	0.59	9.64	7.32	090
28160		A	Partial removal of toe	3.73	5.68	3.83	0.62	10.03	8.18	090
28171		A	Extensive foot surgery	9.59	NA	5.69	1.36	NA	16.64	090
28173		A	Extensive foot surgery	8.79	8.26	5.64	1.25	18.30	15.68	090
28175		A	Extensive foot surgery	6.04	6.68	4.10	0.90	13.62	11.04	090
28190		A	Removal of foot foreign body	1.96	6.51	3.47	0.19	8.66	5.62	010
28192		A	Removal of foot foreign body	4.63	6.43	3.72	0.63	11.69	8.98	090
28193		A	Removal of foot foreign body	5.72	6.35	4.11	0.76	12.83	10.59	090
28200		A	Repair of foot tendon	4.59	5.94	3.71	0.71	11.24	9.01	090
28202		A	Repair/graft of foot tendon	6.83	8.16	4.63	1.04	16.03	12.50	090
28208		A	Repair of foot tendon	4.36	5.72	3.46	0.71	10.79	8.53	090
28210		A	Repair/graft of foot tendon	6.34	7.12	4.19	0.93	14.39	11.46	090
28220		A	Release of foot tendon	4.52	5.56	3.56	0.76	10.84	8.84	090
28222		A	Release of foot tendons	5.61	5.95	4.23	0.93	12.49	10.77	090
28225		A	Release of foot tendon	3.65	5.26	3.07	0.60	9.51	7.32	090
28226		A	Release of foot tendons	4.52	5.61	3.85	0.75	10.88	9.12	090
28230		A	Incision of foot tendon(s)	4.23	5.62	3.81	0.71	10.56	8.75	090
28232		A	Incision of toe tendon	3.38	5.66	3.44	0.58	9.62	7.40	090
28234		A	Incision of foot tendon	3.36	5.81	3.47	0.55	9.72	7.38	090
28238		A	Revision of foot tendon	7.72	7.97	5.07	1.30	16.99	14.09	090
28240		A	Release of big toe	4.35	5.59	3.63	0.74	10.68	8.72	090
28250		A	Revision of foot fascia	5.91	6.53	4.25	0.98	13.42	11.14	090
28260		A	Release of midfoot joint	7.95	7.09	5.14	1.30	16.34	14.39	090
28261		A	Revision of foot tendon	11.71	8.91	7.34	2.00	22.62	21.05	090
28262		A	Revision of foot and ankle	15.81	14.32	11.44	2.68	32.81	29.93	090
28264		A	Release of midfoot joint	10.33	8.51	7.82	1.76	20.60	19.91	090
28270		A	Release of foot contracture	4.75	5.90	4.19	0.81	11.46	9.75	090
28272		A	Release of toe joint, each	3.79	5.14	3.04	0.63	9.56	7.46	090
28280		A	Fusion of toes	5.18	7.25	4.52	0.87	13.30	10.57	090
28285		A	Repair of hammertoe	4.58	5.96	3.85	0.77	11.31	9.20	090
28286		A	Repair of hammertoe	4.55	5.74	3.67	0.77	11.06	8.99	090
28288		A	Partial removal of foot bone	4.73	6.69	5.30	0.78	12.20	10.81	090
28289		A	Repair hallux rigidus	7.03	8.97	6.21	1.16	17.16	14.40	090
28290		A	Correction of bunion	5.65	7.02	5.28	0.95	13.62	11.88	090
28292		A	Correction of bunion	7.03	7.80	5.75	1.18	16.01	13.96	090
28293		A	Correction of bunion	9.14	10.84	6.01	1.54	21.52	16.69	090
28294		A	Correction of bunion	8.55	7.64	5.08	1.40	17.59	15.03	090
28296		A	Correction of bunion	9.17	8.14	5.80	1.54	18.85	16.51	090
28297		A	Correction of bunion	9.17	9.11	6.74	1.58	19.86	17.49	090
28298		A	Correction of bunion	7.93	7.31	5.40	1.35	16.59	14.68	090
28299		A	Correction of bunion	10.56	8.71	6.41	1.50	20.77	18.47	090
28300		A	Incision of heel bone	9.53	13.10	7.07	1.58	24.21	18.18	090
28302		A	Incision of ankle bone	9.54	13.11	6.95	1.39	24.04	17.88	090
28304		A	Incision of midfoot bones	9.15	8.16	5.80	1.21	18.52	16.16	090
28305		A	Incise/graft midfoot bones	10.48	10.90	6.80	0.66	22.04	17.94	090
28306		A	Incision of metatarsal	5.85	7.19	4.25	0.98	14.02	11.08	090
28307		A	Incision of metatarsal	6.32	11.59	5.33	0.86	18.77	12.51	090
28308		A	Incision of metatarsal	5.28	6.07	3.76	0.89	12.24	9.93	090
28309		A	Incision of metatarsals	12.76	NA	8.05	1.98	NA	22.79	090
28310		A	Revision of big toe	5.42	6.24	3.96	0.92	12.58	10.30	090
28312		A	Revision of toe	4.54	5.98	4.11	0.75	11.27	9.40	090
28313		A	Repair deformity of toe	5.00	6.43	5.45	0.82	12.25	11.27	090
28315		A	Removal of sesamoid bone	4.85	5.82	3.67	0.80	11.47	9.32	090
28320		A	Repair of foot bones	9.17	NA	6.76	1.53	NA	17.46	090
28322		A	Repair of metatarsals	8.33	10.13	6.33	1.41	19.87	16.07	090
28340		A	Resect enlarged toe tissue	6.97	7.06	4.41	1.18	15.21	12.56	090
28341		A	Resect enlarged toe	8.40	7.23	4.95	1.42	17.05	14.77	090
28344		A	Repair extra toe(s)	4.25	6.78	3.69	0.72	11.75	8.66	090
28345		A	Repair webbed toe(s)	5.91	6.99	4.79	1.01	13.91	11.71	090
28360		A	Reconstruct cleft foot	13.32	NA	10.50	2.27	NA	26.09	090
28400		A	Treatment of heel fracture	2.16	4.28	2.98	0.35	6.79	5.49	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
28405		A	Treatment of heel fracture	4.56	5.51	4.53	0.76	10.83	9.85	090
28406		A	Treatment of heel fracture	6.30	NA	6.80	1.05	NA	14.15	090
28415		A	Treat heel fracture	15.95	NA	13.24	2.70	NA	31.89	090
28420		A	Treat/graft heel fracture	16.62	NA	12.97	2.76	NA	32.35	090
28430		A	Treatment of ankle fracture	2.09	4.07	2.61	0.33	6.49	5.03	090
28435		A	Treatment of ankle fracture	3.39	4.49	3.63	0.57	8.45	7.59	090
28436		A	Treatment of ankle fracture	4.70	NA	5.90	0.80	NA	11.40	090
28445		A	Treat ankle fracture	15.60	NA	11.02	1.56	NA	28.18	090
28450		A	Treat midfoot fracture, each	1.90	4.07	2.52	0.30	6.27	4.72	090
28455		A	Treat midfoot fracture, each	3.09	3.97	3.41	0.52	7.58	7.02	090
28456		A	Treat midfoot fracture	2.68	NA	4.21	0.43	NA	7.32	090
28465		A	Treat midfoot fracture, each	7.00	NA	6.37	1.05	NA	14.42	090
28470		A	Treat metatarsal fracture	1.99	3.87	2.48	0.31	6.17	4.78	090
28475		A	Treat metatarsal fracture	2.97	4.05	3.19	0.49	7.51	6.65	090
28476		A	Treat metatarsal fracture	3.37	NA	4.99	0.55	NA	8.91	090
28485		A	Treat metatarsal fracture	5.70	NA	5.55	0.96	NA	12.21	090
28490		A	Treat big toe fracture	1.09	2.21	1.73	0.16	3.46	2.98	090
28495		A	Treat big toe fracture	1.58	2.50	2.06	0.23	4.31	3.87	090
28496		A	Treat big toe fracture	2.33	9.72	3.63	0.39	12.44	6.35	090
28505		A	Treat big toe fracture	3.80	9.71	4.70	0.60	14.11	9.10	090
28510		A	Treatment of toe fracture	1.09	1.98	1.69	0.16	3.23	2.94	090
28515		A	Treatment of toe fracture	1.46	2.33	1.99	0.21	4.00	3.66	090
28525		A	Treat toe fracture	3.32	9.30	4.25	0.53	13.15	8.10	090
28530		A	Treat sesamoid bone fracture	1.06	2.08	1.46	0.16	3.30	2.68	090
28531		A	Treat sesamoid bone fracture	2.35	8.98	2.51	0.40	11.73	5.26	090
28540		A	Treat foot dislocation	2.04	2.87	2.67	0.29	5.20	5.00	090
28545		A	Treat foot dislocation	2.45	2.86	2.86	0.40	5.71	5.71	090
28546		A	Treat foot dislocation	3.20	7.89	4.84	0.55	11.64	8.59	090
28555		A	Repair foot dislocation	6.29	11.49	6.54	1.06	18.84	13.89	090
28570		A	Treat foot dislocation	1.66	2.89	2.29	0.27	4.82	4.22	090
28575		A	Treat foot dislocation	3.31	4.37	4.03	0.54	8.22	7.88	090
28576		A	Treat foot dislocation	4.16	10.15	5.51	0.68	14.99	10.35	090
28585		A	Repair foot dislocation	7.98	8.14	6.53	1.36	17.48	15.87	090
28600		A	Treat foot dislocation	1.89	3.29	2.66	0.29	5.47	4.84	090
28605		A	Treat foot dislocation	2.71	3.74	3.61	0.42	6.87	6.74	090
28606		A	Treat foot dislocation	4.89	16.02	6.01	0.82	21.73	11.72	090
28615		A	Repair foot dislocation	7.76	NA	7.98	1.31	NA	17.05	090
28630		A	Treat toe dislocation	1.70	1.22	1.12	0.21	3.13	3.03	010
28635		A	Treat toe dislocation	1.91	1.66	1.49	0.29	3.86	3.69	010
28636		A	Treat toe dislocation	2.77	6.14	3.07	0.47	9.38	6.31	010
28645		A	Repair toe dislocation	4.21	5.66	3.50	0.70	10.57	8.41	090
28660		A	Treat toe dislocation	1.23	1.61	1.16	0.13	2.97	2.52	010
28665		A	Treat toe dislocation	1.92	1.65	1.63	0.29	3.86	3.84	010
28666		A	Treat toe dislocation	2.66	5.93	2.24	0.46	9.05	5.36	010
28675		A	Repair of toe dislocation	2.92	8.81	3.77	0.49	12.22	7.18	090
28705		A	Fusion of foot bones	18.77	NA	12.43	2.57	NA	33.77	090
28715		A	Fusion of foot bones	13.08	NA	9.74	2.22	NA	25.04	090
28725		A	Fusion of foot bones	11.59	NA	8.30	1.97	NA	21.86	090
28730		A	Fusion of foot bones	10.74	NA	8.47	1.82	NA	21.03	090
28735		A	Fusion of foot bones	10.83	NA	7.86	1.82	NA	20.51	090
28737		A	Revision of foot bones	9.63	NA	6.87	1.64	NA	18.14	090
28740		A	Fusion of foot bones	8.01	11.59	6.43	1.36	20.96	15.80	090
28750		A	Fusion of big toe joint	7.29	12.97	6.59	1.24	21.50	15.12	090
28755		A	Fusion of big toe joint	4.73	6.83	3.86	0.80	12.36	9.39	090
28760		A	Fusion of big toe joint	7.74	8.04	5.62	1.29	17.07	14.65	090
28800		A	Amputation of midfoot	8.20	NA	6.04	1.18	NA	15.42	090
28805		A	Amputation thru metatarsal	8.38	NA	5.90	1.17	NA	15.45	090
28810		A	Amputation toe & metatarsal	6.20	NA	4.76	0.84	NA	11.80	090
28820		A	Amputation of toe	4.40	8.50	4.10	0.62	13.52	9.12	090
28825		A	Partial amputation of toe	3.58	7.91	3.79	0.52	12.01	7.89	090
28899		C	Foot/toes surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
29000		A	Application of body cast	2.25	3.09	1.72	0.36	5.70	4.33	000
29010		A	Application of body cast	2.06	3.30	1.73	0.33	5.69	4.12	000
29015		A	Application of body cast	2.41	3.01	1.58	0.25	5.67	4.24	000
29020		A	Application of body cast	2.11	3.30	1.41	0.19	5.60	3.71	000
29025		A	Application of body cast	2.40	3.22	1.83	0.31	5.93	4.54	000
29035		A	Application of body cast	1.77	3.45	1.54	0.29	5.51	3.60	000
29040		A	Application of body cast	2.22	2.57	1.51	0.42	5.21	4.15	000
29044		A	Application of body cast	2.12	3.80	1.85	0.35	6.27	4.32	000
29046		A	Application of body cast	2.41	3.27	2.02	0.41	6.09	4.84	000
29049		A	Application of figure eight	0.89	1.24	0.54	0.14	2.27	1.57	000
29055		A	Application of shoulder cast	1.78	2.81	1.43	0.29	4.88	3.50	000
29058		A	Application of shoulder cast	1.31	1.50	0.73	0.17	2.98	2.21	000
29065		A	Application of long arm cast	0.87	1.26	0.74	0.14	2.27	1.75	000
29075		A	Application of forearm cast	0.77	1.20	0.67	0.13	2.10	1.57	000

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
29085		A	Apply hand/wrist cast	0.87	1.23	0.63	0.13	2.23	1.63	000
29086		A	Apply finger cast	0.62	0.93	0.51	0.07	1.62	1.20	000
29105		A	Apply long arm splint	0.87	1.18	0.52	0.13	2.18	1.52	000
29125		A	Apply forearm splint	0.59	0.99	0.40	0.07	1.65	1.06	000
29126		A	Apply forearm splint	0.77	1.19	0.46	0.07	2.03	1.30	000
29130		A	Application of finger splint	0.50	0.45	0.17	0.06	1.01	0.73	000
29131		A	Application of finger splint	0.55	0.73	0.24	0.04	1.32	0.83	000
29200		A	Strapping of chest	0.65	0.75	0.36	0.05	1.45	1.06	000
29220		A	Strapping of low back	0.64	0.72	0.39	0.08	1.44	1.11	000
29240		A	Strapping of shoulder	0.71	0.86	0.37	0.06	1.63	1.14	000
29260		A	Strapping of elbow or wrist	0.55	0.75	0.34	0.05	1.35	0.94	000
29280		A	Strapping of hand or finger	0.51	0.81	0.34	0.05	1.37	0.90	000
29305		A	Application of hip cast	2.03	3.19	1.71	0.35	5.57	4.09	000
29325		A	Application of hip casts	2.32	3.37	1.89	0.37	6.06	4.58	000
29345		A	Application of long leg cast	1.40	1.69	1.04	0.23	3.32	2.67	000
29355		A	Application of long leg cast	1.53	1.65	1.10	0.24	3.42	2.87	000
29358		A	Apply long leg cast brace	1.43	1.96	1.07	0.23	3.62	2.73	000
29365		A	Application of long leg cast	1.18	1.58	0.93	0.21	2.97	2.32	000
29405		A	Apply short leg cast	0.86	1.17	0.70	0.14	2.17	1.70	000
29425		A	Apply short leg cast	1.01	1.18	0.72	0.17	2.36	1.90	000
29435		A	Apply short leg cast	1.18	1.49	0.91	0.21	2.88	2.30	000
29440		A	Addition of walker to cast	0.57	0.67	0.28	0.08	1.32	0.93	000
29445		A	Apply rigid leg cast	1.78	1.75	0.96	0.29	3.82	3.03	000
29450		A	Application of leg cast	2.08	1.45	1.10	0.16	3.69	3.34	000
29505		A	Application, long leg splint	0.69	1.15	0.46	0.07	1.91	1.22	000
29515		A	Application lower leg splint	0.73	0.85	0.47	0.08	1.66	1.28	000
29520		A	Strapping of hip	0.54	0.87	0.45	0.02	1.43	1.01	000
29530		A	Strapping of knee	0.57	0.80	0.35	0.05	1.42	0.97	000
29540		A	Strapping of ankle and/or ft	0.51	0.41	0.32	0.05	0.97	0.88	000
29550		A	Strapping of toes	0.47	0.41	0.28	0.06	0.94	0.81	000
29580		A	Application of paste boot	0.57	0.65	0.36	0.06	1.28	0.99	000
29590		A	Application of foot splint	0.76	0.50	0.30	0.07	1.33	1.13	000
29700		A	Removal/revision of cast	0.57	0.88	0.28	0.08	1.53	0.93	000
29705		A	Removal/revision of cast	0.76	0.79	0.38	0.12	1.67	1.26	000
29710		A	Removal/revision of cast	1.34	1.49	0.70	0.21	3.04	2.25	000
29715		A	Removal/revision of cast	0.94	1.14	0.40	0.10	2.18	1.44	000
29720		A	Repair of body cast	0.68	1.10	0.38	0.12	1.90	1.18	000
29730		A	Windowing of cast	0.75	0.78	0.36	0.12	1.65	1.23	000
29740		A	Wedging of cast	1.12	1.12	0.49	0.18	2.42	1.79	000
29750		A	Wedging of clubfoot cast	1.26	1.04	0.58	0.19	2.49	2.03	000
29799		C	Casting/strapping procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
29800		A	Jaw arthroscopy/surgery	6.42	NA	7.12	1.01	NA	14.55	090
29804		A	Jaw arthroscopy/surgery	8.13	NA	8.41	0.80	NA	17.34	090
29805		A	Shoulder arthroscopy, dx	5.88	NA	5.65	1.01	NA	12.54	090
29806		A	Shoulder arthroscopy/surgery	14.35	NA	10.94	2.41	NA	27.70	090
29807		A	Shoulder arthroscopy/surgery	13.88	NA	10.78	2.34	NA	27.00	090
29819		A	Shoulder arthroscopy/surgery	7.61	NA	6.66	1.29	NA	15.56	090
29820		A	Shoulder arthroscopy/surgery	7.06	NA	6.12	1.19	NA	14.37	090
29821		A	Shoulder arthroscopy/surgery	7.71	NA	6.68	1.30	NA	15.69	090
29822		A	Shoulder arthroscopy/surgery	7.42	NA	6.56	1.25	NA	15.23	090
29823		A	Shoulder arthroscopy/surgery	8.16	NA	7.09	1.39	NA	16.64	090
29824		A	Shoulder arthroscopy/surgery	8.24	NA	7.33	1.39	NA	16.96	090
29825		A	Shoulder arthroscopy/surgery	7.61	NA	6.64	1.28	NA	15.53	090
29826		A	Shoulder arthroscopy/surgery	8.98	NA	7.41	1.52	NA	17.91	090
29827		A	Arthroscop rotator cuff repr	15.34	NA	11.32	2.24	NA	28.90	090
29830		A	Elbow arthroscopy	5.75	NA	5.25	0.95	NA	11.95	090
29834		A	Elbow arthroscopy/surgery	6.27	NA	5.72	1.04	NA	13.03	090
29835		A	Elbow arthroscopy/surgery	6.47	NA	5.77	1.06	NA	13.30	090
29836		A	Elbow arthroscopy/surgery	7.54	NA	6.66	1.28	NA	15.48	090
29837		A	Elbow arthroscopy/surgery	6.86	NA	6.02	1.16	NA	14.04	090
29838		A	Elbow arthroscopy/surgery	7.70	NA	6.76	1.29	NA	15.75	090
29840		A	Wrist arthroscopy	5.53	NA	5.24	0.83	NA	11.60	090
29843		A	Wrist arthroscopy/surgery	6.00	NA	5.54	0.99	NA	12.53	090
29844		A	Wrist arthroscopy/surgery	6.36	NA	5.71	1.04	NA	13.11	090
29845		A	Wrist arthroscopy/surgery	7.51	NA	6.38	1.01	NA	14.90	090
29846		A	Wrist arthroscopy/surgery	6.74	NA	5.95	1.07	NA	13.76	090
29847		A	Wrist arthroscopy/surgery	7.07	NA	6.10	1.10	NA	14.27	090
29848		A	Wrist endoscopy/surgery	5.43	NA	5.49	0.87	NA	11.79	090
29850		A	Knee arthroscopy/surgery	8.18	NA	5.04	0.89	NA	14.11	090
29851		A	Knee arthroscopy/surgery	13.08	NA	9.66	2.18	NA	24.92	090
29855		A	Tibial arthroscopy/surgery	10.60	NA	8.60	1.81	NA	21.01	090
29856		A	Tibial arthroscopy/surgery	14.12	NA	10.51	2.41	NA	27.04	090
29860		A	Hip arthroscopy, dx	8.04	NA	6.82	1.37	NA	16.23	090
29861		A	Hip arthroscopy/surgery	9.14	NA	7.22	1.56	NA	17.92	090
29862		A	Hip arthroscopy/surgery	9.89	NA	8.39	1.68	NA	19.96	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
29863		A	Hip arthroscopy/surgery	9.89	NA	8.34	1.69	NA	19.92	090
29870		A	Knee arthroscopy, dx	5.06	NA	4.80	0.81	NA	10.67	090
29871		A	Knee arthroscopy/drainage	6.54	NA	5.76	1.06	NA	13.36	090
29873		A	Knee arthroscopy/surgery	5.99	NA	6.37	0.88	NA	13.24	090
29874		A	Knee arthroscopy/surgery	7.04	NA	5.97	1.05	NA	14.06	090
29875		A	Knee arthroscopy/surgery	6.30	NA	5.74	1.06	NA	13.10	090
29876		A	Knee arthroscopy/surgery	7.91	NA	6.88	1.34	NA	16.13	090
29877		A	Knee arthroscopy/surgery	7.34	NA	6.59	1.24	NA	15.17	090
29879		A	Knee arthroscopy/surgery	8.03	NA	6.97	1.36	NA	16.36	090
29880		A	Knee arthroscopy/surgery	8.49	NA	7.21	1.44	NA	17.14	090
29881		A	Knee arthroscopy/surgery	7.75	NA	6.82	1.31	NA	15.88	090
29882		A	Knee arthroscopy/surgery	8.64	NA	7.10	1.31	NA	17.05	090
29883		A	Knee arthroscopy/surgery	11.03	NA	8.90	1.60	NA	21.53	090
29884		A	Knee arthroscopy/surgery	7.32	NA	6.55	1.24	NA	15.11	090
29885		A	Knee arthroscopy/surgery	9.08	NA	7.81	1.53	NA	18.42	090
29886		A	Knee arthroscopy/surgery	7.53	NA	6.70	1.28	NA	15.51	090
29887		A	Knee arthroscopy/surgery	9.03	NA	7.78	1.53	NA	18.34	090
29888		A	Knee arthroscopy/surgery	13.88	NA	10.09	2.35	NA	26.32	090
29889		A	Knee arthroscopy/surgery	15.98	NA	12.23	2.54	NA	30.75	090
29891		A	Ankle arthroscopy/surgery	8.39	NA	7.35	1.41	NA	17.15	090
29892		A	Ankle arthroscopy/surgery	8.99	NA	7.59	1.52	NA	18.10	090
29893		A	Scope, plantar fasciotomy	5.21	6.14	3.92	0.89	12.24	10.02	090
29894		A	Ankle arthroscopy/surgery	7.20	NA	5.39	1.22	NA	13.81	090
29895		A	Ankle arthroscopy/surgery	6.98	NA	5.39	1.17	NA	13.54	090
29897		A	Ankle arthroscopy/surgery	7.17	NA	5.78	1.22	NA	14.17	090
29898		A	Ankle arthroscopy/surgery	8.31	NA	6.11	1.37	NA	15.79	090
29899		A	Ankle arthroscopy/surgery	13.89	NA	9.84	2.35	NA	26.08	090
29900		A	Mcp joint arthroscopy, dx	5.41	NA	5.69	0.90	NA	12.00	090
29901		A	Mcp joint arthroscopy, surg	6.12	NA	6.09	1.03	NA	13.24	090
29902		A	Mcp joint arthroscopy, surg	6.69	NA	6.37	1.12	NA	14.18	090
29999		C	Arthroscopy of joint	0.00	0.00	0.00	0.00	0.00	0.00	YYY
30000		A	Drainage of nose lesion	1.43	4.19	1.41	0.12	5.74	2.96	010
30020		A	Drainage of nose lesion	1.43	3.35	1.48	0.10	4.88	3.01	010
30100		A	Intranasal biopsy	0.94	2.05	0.82	0.07	3.06	1.83	000
30110		A	Removal of nose polyp(s)	1.63	3.36	1.58	0.14	5.13	3.35	010
30115		A	Removal of nose polyp(s)	4.34	NA	4.02	0.37	NA	8.73	090
30117		A	Removal of intranasal lesion	3.16	4.38	3.28	0.27	7.81	6.71	090
30118		A	Removal of intranasal lesion	9.68	NA	7.27	0.80	NA	17.75	090
30120		A	Revision of nose	5.26	5.53	5.48	0.49	11.28	11.23	090
30124		A	Removal of nose lesion	3.10	NA	3.03	0.24	NA	6.37	090
30125		A	Removal of nose lesion	7.15	NA	5.92	0.65	NA	13.72	090
30130		A	Removal of turbinate bones	3.37	NA	3.51	0.27	NA	7.15	090
30140		A	Removal of turbinate bones	3.42	NA	3.97	0.29	NA	7.68	090
30150		A	Partial removal of nose	9.13	NA	7.66	0.92	NA	17.71	090
30160		A	Removal of nose	9.57	NA	7.65	0.94	NA	18.16	090
30200		A	Injection treatment of nose	0.78	1.70	0.77	0.07	2.55	1.62	000
30210		A	Nasal sinus therapy	1.08	2.17	1.32	0.10	3.35	2.50	010
30220		A	Insert nasal septal button	1.54	4.50	1.54	0.13	6.17	3.21	010
30300		A	Remove nasal foreign body	1.04	4.84	1.96	0.08	5.96	3.08	010
30310		A	Remove nasal foreign body	1.96	NA	3.20	0.17	NA	5.33	010
30320		A	Remove nasal foreign body	4.51	NA	4.49	0.43	NA	9.43	090
30400		R	Reconstruction of nose	9.82	NA	9.16	0.96	NA	19.94	090
30410		R	Reconstruction of nose	12.96	NA	10.94	1.30	NA	25.20	090
30420		R	Reconstruction of nose	15.86	NA	12.42	1.50	NA	29.78	090
30430		R	Revision of nose	7.20	NA	8.10	0.75	NA	16.05	090
30435		R	Revision of nose	11.69	NA	10.62	1.33	NA	23.64	090
30450		R	Revision of nose	18.62	NA	14.10	1.85	NA	34.57	090
30460		A	Revision of nose	9.95	NA	7.75	1.03	NA	18.73	090
30462		A	Revision of nose	19.54	NA	13.67	2.32	NA	35.53	090
30465		A	Repair nasal stenosis	11.62	NA	7.67	1.17	NA	20.46	090
30520		A	Repair of nasal septum	5.69	NA	5.15	0.49	NA	11.33	090
30540		A	Repair nasal defect	7.74	NA	5.62	0.64	NA	14.00	090
30545		A	Repair nasal defect	11.36	NA	8.64	0.96	NA	20.96	090
30560		A	Release of nasal adhesions	1.26	4.92	2.16	0.11	6.29	3.53	010
30580		A	Repair upper jaw fistula	6.68	7.17	6.12	0.60	14.45	13.40	090
30600		A	Repair mouth/nose fistula	6.01	6.32	5.52	0.84	13.17	12.37	090
30620		A	Intranasal reconstruction	5.96	NA	5.78	0.54	NA	12.28	090
30630		A	Repair nasal septum defect	7.11	NA	6.18	0.62	NA	13.91	090
30801		A	Cauterization, inner nose	1.09	2.17	2.07	0.10	3.36	3.26	010
30802		A	Cauterization, inner nose	2.03	2.71	2.58	0.18	4.92	4.79	010
30901		A	Control of nosebleed	1.21	1.36	0.33	0.11	2.68	1.65	000
30903		A	Control of nosebleed	1.54	2.80	0.50	0.14	4.48	2.18	000
30905		A	Control of nosebleed	1.97	3.57	0.76	0.18	5.72	2.91	000
30906		A	Repeat control of nosebleed	2.45	3.96	1.20	0.21	6.62	3.86	000
30915		A	Ligation, nasal sinus artery	7.19	NA	5.82	0.60	NA	13.61	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
30920		A	Ligation, upper jaw artery	9.82	NA	7.49	0.83	NA	18.14	090
30930		A	Therapy, fracture of nose	1.26	NA	1.65	0.11	NA	3.02	010
30999		C	Nasal surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31000		A	Irrigation, maxillary sinus	1.15	2.91	1.41	0.10	4.16	2.66	010
31002		A	Irrigation, sphenoid sinus	1.91	NA	3.29	0.17	NA	5.37	010
31020		A	Exploration, maxillary sinus	2.94	4.12	3.51	0.24	7.30	6.69	090
31030		A	Exploration, maxillary sinus	5.91	5.64	4.81	0.51	12.06	11.23	090
31032		A	Explore sinus, remove polyps	6.56	NA	5.60	0.57	NA	12.73	090
31040		A	Exploration behind upper jaw	9.41	NA	6.27	0.86	NA	16.54	090
31050		A	Exploration, sphenoid sinus	5.27	NA	4.50	0.47	NA	10.24	090
31051		A	Sphenoid sinus surgery	7.10	NA	5.86	0.66	NA	13.62	090
31070		A	Exploration of frontal sinus	4.27	NA	4.20	0.36	NA	8.83	090
31075		A	Exploration of frontal sinus	9.15	NA	7.21	0.77	NA	17.13	090
31080		A	Removal of frontal sinus	11.40	NA	8.44	0.94	NA	20.78	090
31081		A	Removal of frontal sinus	12.73	NA	9.46	2.22	NA	24.41	090
31084		A	Removal of frontal sinus	13.49	NA	10.04	1.16	NA	24.69	090
31085		A	Removal of frontal sinus	14.18	NA	10.41	1.42	NA	26.01	090
31086		A	Removal of frontal sinus	12.84	NA	9.86	1.09	NA	23.79	090
31087		A	Removal of frontal sinus	13.08	NA	9.79	1.39	NA	24.26	090
31090		A	Exploration of sinuses	9.52	NA	8.59	0.80	NA	18.91	090
31200		A	Removal of ethmoid sinus	4.96	NA	5.02	0.30	NA	10.28	090
31201		A	Removal of ethmoid sinus	8.36	NA	6.82	0.70	NA	15.88	090
31205		A	Removal of ethmoid sinus	10.22	NA	7.63	0.70	NA	18.55	090
31225		A	Removal of upper jaw	19.20	NA	13.74	1.66	NA	34.60	090
31230		A	Removal of upper jaw	21.91	NA	15.12	1.89	NA	38.92	090
31231		A	Nasal endoscopy, dx	1.10	3.55	0.92	0.10	4.75	2.12	000
31233		A	Nasal/sinus endoscopy, dx	2.18	4.49	1.51	0.19	6.86	3.88	000
31235		A	Nasal/sinus endoscopy, dx	2.64	5.10	1.76	0.22	7.96	4.62	000
31237		A	Nasal/sinus endoscopy, surg	2.98	5.40	1.91	0.25	8.63	5.14	000
31238		A	Nasal/sinus endoscopy, surg	3.26	5.45	2.12	0.28	8.99	5.66	000
31239		A	Nasal/sinus endoscopy, surg	8.69	NA	8.28	0.55	NA	17.52	010
31240		A	Nasal/sinus endoscopy, surg	2.61	NA	1.76	0.22	NA	4.59	000
31254		A	Revision of ethmoid sinus	4.64	NA	2.89	0.39	NA	7.92	000
31255		A	Removal of ethmoid sinus	6.95	NA	4.15	0.59	NA	11.69	000
31256		A	Exploration maxillary sinus	3.29	NA	2.14	0.28	NA	5.71	000
31267		A	Endoscopy, maxillary sinus	5.45	NA	3.34	0.46	NA	9.25	000
31276		A	Sinus endoscopy, surgical	8.84	NA	5.17	0.75	NA	14.76	000
31287		A	Nasal/sinus endoscopy, surg	3.91	NA	2.49	0.33	NA	6.73	000
31288		A	Nasal/sinus endoscopy, surg	4.57	NA	2.85	0.39	NA	7.81	000
31290		A	Nasal/sinus endoscopy, surg	17.21	NA	12.15	1.45	NA	30.81	010
31291		A	Nasal/sinus endoscopy, surg	18.16	NA	12.55	2.09	NA	32.80	010
31292		A	Nasal/sinus endoscopy, surg	14.74	NA	10.71	1.19	NA	26.64	010
31293		A	Nasal/sinus endoscopy, surg	16.19	NA	11.52	1.17	NA	28.88	010
31294		A	Nasal/sinus endoscopy, surg	19.03	NA	13.00	1.25	NA	33.28	010
31299		C	Sinus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31300		A	Removal of larynx lesion	14.27	NA	12.03	1.19	NA	27.49	090
31320		A	Diagnostic incision, larynx	5.25	NA	7.24	0.48	NA	12.97	090
31360		A	Removal of larynx	17.05	NA	13.95	1.45	NA	32.45	090
31365		A	Removal of larynx	24.12	NA	17.63	2.07	NA	43.82	090
31367		A	Partial removal of larynx	21.83	NA	17.41	1.89	NA	41.13	090
31368		A	Partial removal of larynx	27.05	NA	21.00	2.29	NA	50.34	090
31370		A	Partial removal of larynx	21.35	NA	17.05	1.82	NA	40.22	090
31375		A	Partial removal of larynx	20.18	NA	15.35	1.72	NA	37.25	090
31380		A	Partial removal of larynx	20.18	NA	15.31	1.69	NA	37.18	090
31382		A	Partial removal of larynx	20.49	NA	16.56	1.74	NA	38.79	090
31390		A	Removal of larynx & pharynx	27.49	NA	21.24	2.35	NA	51.08	090
31395		A	Reconstruct larynx & pharynx	31.04	NA	25.13	2.74	NA	58.91	090
31400		A	Revision of larynx	10.29	NA	10.00	0.87	NA	21.16	090
31420		A	Removal of epiglottis	10.20	NA	9.80	0.86	NA	20.86	090
31500		A	Insert emergency airway	2.33	NA	0.55	0.18	NA	3.06	000
31502		A	Change of windpipe airway	0.65	1.49	0.26	0.05	2.19	0.96	000
31505		A	Diagnostic laryngoscopy	0.61	1.57	0.64	0.05	2.23	1.30	000
31510		A	Laryngoscopy with biopsy	1.92	3.42	1.28	0.18	5.52	3.38	000
31511		A	Remove foreign body, larynx	2.16	3.25	1.11	0.19	5.60	3.46	000
31512		A	Removal of larynx lesion	2.07	3.34	1.39	0.19	5.60	3.65	000
31513		A	Injection into vocal cord	2.10	NA	1.49	0.18	NA	3.77	000
31515		A	Laryngoscopy for aspiration	1.80	3.71	1.10	0.14	5.65	3.04	000
31520		A	Diagnostic laryngoscopy	2.56	NA	1.60	0.21	NA	4.37	000
31525		A	Diagnostic laryngoscopy	2.63	3.86	1.70	0.22	6.71	4.55	000
31526		A	Diagnostic laryngoscopy	2.57	NA	1.75	0.22	NA	4.54	000
31527		A	Laryngoscopy for treatment	3.27	NA	1.90	0.25	NA	5.42	000
31528		A	Laryngoscopy and dilation	2.37	NA	1.45	0.19	NA	4.01	000
31529		A	Laryngoscopy and dilation	2.68	NA	1.72	0.22	NA	4.62	000
31530		A	Operative laryngoscopy	3.38	NA	1.98	0.29	NA	5.65	000
31531		A	Operative laryngoscopy	3.58	NA	2.31	0.30	NA	6.19	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
31535		A	Operative laryngoscopy	3.16	NA	2.02	0.27	NA	5.45	000
31536		A	Operative laryngoscopy	3.55	NA	2.29	0.30	NA	6.14	000
31540		A	Operative laryngoscopy	4.12	NA	2.59	0.35	NA	7.06	000
31541		A	Operative laryngoscopy	4.52	NA	2.81	0.39	NA	7.72	000
31560		A	Operative laryngoscopy	5.45	NA	3.17	0.46	NA	9.08	000
31561		A	Operative laryngoscopy	5.99	NA	3.38	0.51	NA	9.88	000
31570		A	Laryngoscopy with injection	3.86	5.74	2.42	0.29	9.89	6.57	000
31571		A	Laryngoscopy with injection	4.26	NA	2.63	0.36	NA	7.25	000
31575		A	Diagnostic laryngoscopy	1.10	1.88	0.91	0.10	3.08	2.11	000
31576		A	Laryngoscopy with biopsy	1.97	3.62	1.31	0.16	5.75	3.44	000
31577		A	Remove foreign body, larynx	2.47	3.74	1.57	0.21	6.42	4.25	000
31578		A	Removal of larynx lesion	2.84	4.25	1.56	0.24	7.33	4.64	000
31579		A	Diagnostic laryngoscopy	2.26	3.80	1.52	0.19	6.25	3.97	000
31580		A	Revision of larynx	12.36	NA	11.12	1.05	NA	24.53	090
31582		A	Revision of larynx	21.59	NA	17.42	1.83	NA	40.84	090
31584		A	Treat larynx fracture	19.61	NA	14.58	1.71	NA	35.90	090
31585		A	Treat larynx fracture	4.63	NA	5.59	0.36	NA	10.58	090
31586		A	Treat larynx fracture	8.02	NA	8.36	0.68	NA	17.06	090
31587		A	Revision of larynx	11.97	NA	10.05	1.06	NA	23.08	090
31588		A	Revision of larynx	13.09	NA	13.10	1.11	NA	27.30	090
31590		A	Reinnervate larynx	6.96	NA	8.81	0.60	NA	16.37	090
31595		A	Larynx nerve surgery	8.33	NA	7.65	0.75	NA	16.73	090
31599		C	Larynx surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31600		A	Incision of windpipe	7.17	NA	3.20	0.41	NA	10.78	000
31601		A	Incision of windpipe	4.44	NA	2.41	0.47	NA	7.32	000
31603		A	Incision of windpipe	4.14	NA	1.72	0.42	NA	6.28	000
31605		A	Incision of windpipe	3.57	NA	1.19	0.40	NA	5.16	000
31610		A	Incision of windpipe	8.75	NA	7.45	0.83	NA	17.03	090
31611		A	Surgery/speech prosthesis	5.63	NA	5.95	0.48	NA	12.06	090
31612		A	Puncture/clear windpipe	0.91	1.12	0.36	0.07	2.10	1.34	000
31613		A	Repair windpipe opening	4.58	NA	5.42	0.45	NA	10.45	090
31614		A	Repair windpipe opening	7.11	NA	7.81	0.62	NA	15.54	090
31615		A	Visualization of windpipe	2.09	2.63	1.20	0.17	4.89	3.46	000
31622		A	Dx bronchoscope/wash	2.78	4.17	0.89	0.17	7.12	3.84	000
31623		A	Dx bronchoscope/brush	2.88	5.05	0.89	0.17	8.10	3.94	000
31624		A	Dx bronchoscope/lavage	2.88	4.28	0.90	0.16	7.32	3.94	000
31625		A	Bronchoscopy w/biopsy(s)	3.36	5.37	1.26	0.19	8.92	4.81	000
31628		A	Bronchoscopy/lung bx, each	3.80	5.53	1.34	0.17	9.50	5.31	000
31629		A	Bronchoscopy/needle bx, each	3.36	NA	1.22	0.16	NA	4.74	000
31630		A	Bronchoscopy dilate/fx repr	3.81	NA	2.00	0.36	NA	6.17	000
31631		A	Bronchoscopy, dilate w/stent	4.36	NA	2.02	0.37	NA	6.75	000
31632		A	Bronchoscopy/lung bx, add'l	1.03	0.76	0.32	0.17	1.96	1.52	ZZZ
31633		A	Bronchoscopy/needle bx add'l	1.32	0.91	0.40	0.17	2.40	1.89	ZZZ
31635		A	Bronchoscopy w/fb removal	3.67	NA	1.67	0.25	NA	5.59	000
31640		A	Bronchoscopy w/tumor excise	4.93	NA	2.35	0.45	NA	7.73	000
31641		A	Bronchoscopy, treat blockage	5.02	NA	2.12	0.36	NA	7.50	000
31643		A	Diag bronchoscope/catheter	3.49	NA	1.31	0.18	NA	4.98	000
31645		A	Bronchoscopy, clear airways	3.16	NA	1.20	0.16	NA	4.52	000
31646		A	Bronchoscopy, reclear airway	2.72	NA	1.08	0.14	NA	3.94	000
31656		A	Bronchoscopy, inj for x-ray	2.17	NA	0.93	0.12	NA	3.22	000
31700		A	Insertion of airway catheter	1.34	2.05	0.69	0.08	3.47	2.11	000
31708		A	Instill airway contrast dye	1.41	NA	0.58	0.07	NA	2.06	000
31710		A	Insertion of airway catheter	1.30	NA	0.71	0.07	NA	2.08	000
31715		A	Injection for bronchus x-ray	1.11	NA	0.59	0.07	NA	1.77	000
31717		A	Bronchial brush biopsy	2.12	2.96	0.87	0.11	5.19	3.10	000
31720		A	Clearance of airways	1.06	1.45	0.33	0.07	2.58	1.46	000
31725		A	Clearance of airways	1.96	1.87	0.58	0.12	3.95	2.66	000
31730		A	Intro, windpipe wire/tube	2.85	2.22	1.09	0.18	5.25	4.12	000
31750		A	Repair of windpipe	13.00	NA	11.57	1.23	NA	25.80	090
31755		A	Repair of windpipe	15.91	NA	14.20	1.39	NA	31.50	090
31760		A	Repair of windpipe	22.32	NA	10.82	1.79	NA	34.93	090
31766		A	Reconstruction of windpipe	30.38	NA	13.76	3.81	NA	47.95	090
31770		A	Repair/graft of bronchus	22.48	NA	10.34	2.74	NA	35.56	090
31775		A	Reconstruct bronchus	23.50	NA	11.89	3.51	NA	38.90	090
31780		A	Reconstruct windpipe	17.69	NA	11.14	1.87	NA	30.70	090
31781		A	Reconstruct windpipe	23.49	NA	12.22	2.46	NA	38.17	090
31785		A	Remove windpipe lesion	17.20	NA	10.26	1.64	NA	29.10	090
31786		A	Remove windpipe lesion	23.94	NA	13.20	2.65	NA	39.79	090
31800		A	Repair of windpipe injury	7.42	NA	4.88	0.81	NA	13.11	090
31805		A	Repair of windpipe injury	13.11	NA	7.29	1.75	NA	22.15	090
31820		A	Closure of windpipe lesion	4.48	5.52	4.93	0.42	10.42	9.83	090
31825		A	Repair of windpipe defect	6.80	7.61	7.06	0.60	15.01	14.46	090
31830		A	Revise windpipe scar	4.49	5.68	5.30	0.43	10.60	10.22	090
31899		C	Airways surgical procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
32000		A	Drainage of chest	1.54	3.13	0.48	0.08	4.75	2.10	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
32002		A	Treatment of collapsed lung	2.19	3.32	0.84	0.13	5.64	3.16	000
32005		A	Treat lung lining chemically	2.19	6.58	0.70	0.21	8.98	3.10	000
32020		A	Insertion of chest tube	3.97	NA	1.45	0.43	NA	5.85	000
32035		A	Exploration of chest	8.66	NA	5.91	1.23	NA	15.80	090
32036		A	Exploration of chest	9.67	NA	6.49	1.45	NA	17.61	090
32095		A	Biopsy through chest wall	8.35	NA	5.42	1.19	NA	14.96	090
32100		A	Exploration/biopsy of chest	15.22	NA	7.88	1.75	NA	24.85	090
32110		A	Explore/repair chest	22.97	NA	10.81	1.97	NA	35.75	090
32120		A	Re-exploration of chest	11.52	NA	7.13	1.71	NA	20.36	090
32124		A	Explore chest free adhesions	12.70	NA	7.27	1.82	NA	21.79	090
32140		A	Removal of lung lesion(s)	13.91	NA	7.75	2.03	NA	23.69	090
32141		A	Remove/treat lung lesions	13.98	NA	7.62	2.07	NA	23.67	090
32150		A	Removal of lung lesion(s)	14.13	NA	7.68	1.93	NA	23.74	090
32151		A	Remove lung foreign body	14.19	NA	8.07	1.80	NA	24.06	090
32160		A	Open chest heart massage	9.29	NA	5.32	1.22	NA	15.83	090
32200		A	Drain, open, lung lesion	15.27	NA	8.66	1.76	NA	25.69	090
32201		A	Drain, percut, lung lesion	3.99	NA	1.30	0.22	NA	5.51	000
32215		A	Treat chest lining	11.31	NA	6.96	1.62	NA	19.89	090
32220		A	Release of lung	23.96	NA	13.02	2.88	NA	39.86	090
32225		A	Partial release of lung	13.94	NA	7.72	2.05	NA	23.71	090
32310		A	Removal of chest lining	13.42	NA	7.46	1.99	NA	22.87	090
32320		A	Free/remove chest lining	23.96	NA	12.22	3.02	NA	39.20	090
32400		A	Needle biopsy chest lining	1.76	1.70	0.55	0.08	3.54	2.39	000
32402		A	Open biopsy chest lining	7.55	NA	5.17	1.10	NA	13.82	090
32405		A	Biopsy, lung or mediastinum	1.93	2.14	0.63	0.11	4.18	2.67	000
32420		A	Puncture/clear lung	2.18	NA	0.83	0.13	NA	3.14	000
32440		A	Removal of lung	24.96	NA	12.96	3.09	NA	41.01	090
32442		A	Sleeve pneumonectomy	26.20	NA	14.82	3.76	NA	44.78	090
32445		A	Removal of lung	25.05	NA	14.13	3.75	NA	42.93	090
32480		A	Partial removal of lung	23.71	NA	12.12	2.70	NA	38.53	090
32482		A	Bilobectomy	24.96	NA	12.97	2.83	NA	40.76	090
32484		A	Segmentectomy	20.66	NA	11.44	3.06	NA	35.16	090
32486		A	Sleeve lobectomy	23.88	NA	13.30	3.62	NA	40.80	090
32488		A	Completion pneumonectomy	25.67	NA	13.84	3.84	NA	43.35	090
32491		R	Lung volume reduction	21.22	NA	12.68	3.21	NA	37.11	090
32500		A	Partial removal of lung	21.97	NA	12.40	2.13	NA	36.50	090
32501		A	Repair bronchus add-on	4.68	NA	1.54	0.68	NA	6.90	ZZZ
32520		A	Remove lung & revise chest	21.65	NA	11.36	3.27	NA	36.28	090
32522		A	Remove lung & revise chest	24.16	NA	12.17	3.43	NA	39.76	090
32525		A	Remove lung & revise chest	26.46	NA	12.86	3.92	NA	43.24	090
32540		A	Removal of lung lesion	14.62	NA	9.68	2.22	NA	26.52	090
32601		A	Thoracoscopy, diagnostic	5.45	NA	2.42	0.76	NA	8.63	000
32602		A	Thoracoscopy, diagnostic	5.95	NA	2.58	0.84	NA	9.37	000
32603		A	Thoracoscopy, diagnostic	7.80	NA	3.09	0.92	NA	11.81	000
32604		A	Thoracoscopy, diagnostic	8.77	NA	3.53	1.17	NA	13.47	000
32605		A	Thoracoscopy, diagnostic	6.92	NA	2.97	1.04	NA	10.93	000
32606		A	Thoracoscopy, diagnostic	8.39	NA	3.39	1.19	NA	12.97	000
32650		A	Thoracoscopy, surgical	10.73	NA	6.80	1.51	NA	19.04	090
32651		A	Thoracoscopy, surgical	12.89	NA	7.26	1.81	NA	21.96	090
32652		A	Thoracoscopy, surgical	18.63	NA	10.19	2.77	NA	31.59	090
32653		A	Thoracoscopy, surgical	12.85	NA	7.01	1.87	NA	21.73	090
32654		A	Thoracoscopy, surgical	12.42	NA	7.57	1.82	NA	21.81	090
32655		A	Thoracoscopy, surgical	13.08	NA	7.27	1.85	NA	22.20	090
32656		A	Thoracoscopy, surgical	12.89	NA	7.97	1.94	NA	22.80	090
32657		A	Thoracoscopy, surgical	13.63	NA	7.72	1.98	NA	23.33	090
32658		A	Thoracoscopy, surgical	11.61	NA	7.38	1.77	NA	20.76	090
32659		A	Thoracoscopy, surgical	11.57	NA	7.49	1.68	NA	20.74	090
32660		A	Thoracoscopy, surgical	17.40	NA	9.52	2.52	NA	29.44	090
32661		A	Thoracoscopy, surgical	13.23	NA	7.83	2.00	NA	23.06	090
32662		A	Thoracoscopy, surgical	16.42	NA	8.85	2.42	NA	27.69	090
32663		A	Thoracoscopy, surgical	18.44	NA	10.81	2.75	NA	32.00	090
32664		A	Thoracoscopy, surgical	14.18	NA	7.67	2.05	NA	23.90	090
32665		A	Thoracoscopy, surgical	15.52	NA	8.17	2.16	NA	25.85	090
32800		A	Repair lung hernia	13.67	NA	7.49	1.82	NA	22.98	090
32810		A	Close chest after drainage	13.03	NA	7.59	1.87	NA	22.49	090
32815		A	Close bronchial fistula	23.12	NA	11.04	3.43	NA	37.59	090
32820		A	Reconstruct injured chest	21.45	NA	12.29	2.79	NA	36.53	090
32850		X	Donor pneumonectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32851		A	Lung transplant, single	38.57	NA	27.97	5.91	NA	72.45	090
32852		A	Lung transplant with bypass	41.74	NA	33.35	6.24	NA	81.33	090
32853		A	Lung transplant, double	47.74	NA	31.96	7.39	NA	87.09	090
32854		A	Lung transplant with bypass	50.90	NA	34.97	7.73	NA	93.60	090
32900		A	Removal of rib(s)	20.24	NA	9.95	2.92	NA	33.11	090
32905		A	Revise & repair chest wall	20.72	NA	10.19	3.06	NA	33.97	090
32906		A	Revise & repair chest wall	26.73	NA	12.14	3.98	NA	42.85	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
32940		A	Revision of lung	19.40	NA	9.53	2.98	NA	31.91	090
32960		A	Therapeutic pneumothorax	1.84	1.76	0.57	0.14	3.74	2.55	000
32997		A	Total lung lavage	5.99	NA	1.91	0.66	NA	8.56	000
32999		C	Chest surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
33010		A	Drainage of heart sac	2.24	NA	0.96	0.16	NA	3.36	000
33011		A	Repeat drainage of heart sac	2.24	NA	1.00	0.16	NA	3.40	000
33015		A	Incision of heart sac	6.79	NA	4.98	0.77	NA	12.54	090
33020		A	Incision of heart sac	12.59	NA	6.84	1.81	NA	21.24	090
33025		A	Incision of heart sac	12.07	NA	6.39	1.81	NA	20.27	090
33030		A	Partial removal of heart sac	18.68	NA	9.59	2.89	NA	31.16	090
33031		A	Partial removal of heart sac	21.76	NA	10.10	3.35	NA	35.21	090
33050		A	Removal of heart sac lesion	14.34	NA	7.90	2.09	NA	24.33	090
33120		A	Removal of heart lesion	24.52	NA	11.68	3.69	NA	39.89	090
33130		A	Removal of heart lesion	21.36	NA	10.18	3.03	NA	34.57	090
33140		A	Heart revascularize (tmr)	19.97	NA	10.94	2.74	NA	33.65	090
33141		A	Heart tmr w/other procedure	4.83	NA	1.59	0.66	NA	7.08	ZZZ
33200		A	Insertion of heart pacemaker	12.46	NA	6.98	1.41	NA	20.85	090
33201		A	Insertion of heart pacemaker	10.16	NA	6.73	1.46	NA	18.35	090
33206		A	Insertion of heart pacemaker	6.66	NA	4.57	0.60	NA	11.83	090
33207		A	Insertion of heart pacemaker	8.03	NA	4.76	0.69	NA	13.48	090
33208		A	Insertion of heart pacemaker	8.12	NA	4.86	0.65	NA	13.63	090
33210		A	Insertion of heart electrode	3.30	NA	1.25	0.21	NA	4.76	000
33211		A	Insertion of heart electrode	3.39	NA	1.32	0.21	NA	4.92	000
33212		A	Insertion of pulse generator	5.51	NA	3.42	0.53	NA	9.46	090
33213		A	Insertion of pulse generator	6.36	NA	3.78	0.55	NA	10.69	090
33214		A	Upgrade of pacemaker system	7.74	NA	4.99	0.63	NA	13.36	090
33215		A	Reposition pacing-defib lead	4.75	NA	3.18	0.43	NA	8.36	090
33216		A	Insert lead pace-defib, one	5.77	NA	4.30	0.43	NA	10.50	090
33217		A	Insert lead pace-defib, dual	5.74	NA	4.33	0.43	NA	10.50	090
33218		A	Repair lead pace-defib, one	5.43	NA	4.37	0.48	NA	10.28	090
33220		A	Repair lead pace-defib, dual	5.51	NA	4.34	0.47	NA	10.32	090
33222		A	Revise pocket, pacemaker	4.95	NA	4.36	0.47	NA	9.78	090
33223		A	Revise pocket, pacing-defib	6.45	NA	4.64	0.53	NA	11.62	090
33224		A	Insert pacing lead & connect	9.04	NA	4.02	0.43	NA	13.49	000
33225		A	L ventric pacing lead add-on	8.33	NA	3.23	0.43	NA	11.99	ZZZ
33226		A	Reposition l ventric lead	8.68	NA	3.88	0.43	NA	12.99	000
33233		A	Removal of pacemaker system	3.29	NA	3.31	0.27	NA	6.87	090
33234		A	Removal of pacemaker system	7.81	NA	4.95	0.68	NA	13.44	090
33235		A	Removal pacemaker electrode	9.39	NA	6.86	0.82	NA	17.07	090
33236		A	Remove electrode/thoracotomy	12.58	NA	7.48	1.80	NA	21.86	090
33237		A	Remove electrode/thoracotomy	13.69	NA	7.84	1.89	NA	23.42	090
33238		A	Remove electrode/thoracotomy	15.20	NA	8.26	1.88	NA	25.34	090
33240		A	Insert pulse generator	7.59	NA	4.66	0.64	NA	12.89	090
33241		A	Remove pulse generator	3.24	NA	2.99	0.25	NA	6.48	090
33243		A	Remove eltrd/thoracotomy	22.61	NA	11.50	3.05	NA	37.16	090
33244		A	Remove eltrd, transven	13.74	NA	8.96	1.27	NA	23.97	090
33245		A	Insert epic eltrd pace-defib	14.28	NA	8.03	1.54	NA	23.85	090
33246		A	Insert epic eltrd/generator	20.68	NA	10.41	2.68	NA	33.77	090
33249		A	Eltrd/insert pace-defib	14.21	NA	8.49	0.96	NA	23.66	090
33250		A	Ablate heart dysrhythm focus	21.82	NA	11.13	1.22	NA	34.17	090
33251		A	Ablate heart dysrhythm focus	24.84	NA	11.74	2.91	NA	39.49	090
33253		A	Reconstruct atria	31.01	NA	13.91	4.44	NA	49.36	090
33261		A	Ablate heart dysrhythm focus	24.84	NA	11.85	3.40	NA	40.09	090
33282		A	Implant pat-active ht record	4.16	NA	4.11	0.47	NA	8.74	090
33284		A	Remove pat-active ht record	2.50	NA	3.58	0.28	NA	6.36	090
33300		A	Repair of heart wound	17.89	NA	9.31	2.30	NA	29.50	090
33305		A	Repair of heart wound	21.41	NA	10.70	3.23	NA	35.34	090
33310		A	Exploratory heart surgery	18.48	NA	9.65	2.73	NA	30.86	090
33315		A	Exploratory heart surgery	22.34	NA	10.95	3.50	NA	36.79	090
33320		A	Repair major blood vessel(s)	16.76	NA	8.30	2.00	NA	27.06	090
33321		A	Repair major vessel	20.17	NA	9.86	3.26	NA	33.29	090
33322		A	Repair major blood vessel(s)	20.59	NA	10.44	3.03	NA	34.06	090
33330		A	Insert major vessel graft	21.40	NA	10.35	3.00	NA	34.75	090
33332		A	Insert major vessel graft	23.92	NA	10.59	2.95	NA	37.46	090
33335		A	Insert major vessel graft	29.96	NA	13.42	4.57	NA	47.95	090
33400		A	Repair of aortic valve	28.46	NA	15.73	3.73	NA	47.92	090
33401		A	Valvuloplasty, open	23.87	NA	13.57	3.27	NA	40.71	090
33403		A	Valvuloplasty, w/cp bypass	24.85	NA	14.37	2.99	NA	42.21	090
33404		A	Prepare heart-aorta conduit	28.50	NA	14.58	3.99	NA	47.07	090
33405		A	Replacement of aortic valve	34.95	NA	18.36	4.66	NA	57.97	090
33406		A	Replacement of aortic valve	37.44	NA	19.20	4.91	NA	61.55	090
33410		A	Replacement of aortic valve	32.41	NA	16.66	4.96	NA	54.03	090
33411		A	Replacement of aortic valve	36.20	NA	18.83	5.02	NA	60.05	090
33412		A	Replacement of aortic valve	41.94	NA	20.50	5.62	NA	68.06	090
33413		A	Replacement of aortic valve	43.43	NA	20.91	5.14	NA	69.48	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
33414		A	Repair of aortic valve	30.30	NA	14.23	4.57	NA	49.10	090
33415		A	Revision, subvalvular tissue	27.11	NA	12.11	3.92	NA	43.14	090
33416		A	Revise ventricle muscle	30.30	NA	13.59	4.64	NA	48.53	090
33417		A	Repair of aortic valve	28.49	NA	13.71	4.32	NA	46.52	090
33420		A	Revision of mitral valve	22.67	NA	9.66	1.79	NA	34.12	090
33422		A	Revision of mitral valve	25.90	NA	13.71	3.98	NA	43.59	090
33425		A	Repair of mitral valve	26.96	NA	13.10	3.62	NA	43.68	090
33426		A	Repair of mitral valve	32.95	NA	17.21	4.67	NA	54.83	090
33427		A	Repair of mitral valve	39.94	NA	19.44	5.19	NA	64.57	090
33430		A	Replacement of mitral valve	33.45	NA	17.37	4.76	NA	55.58	090
33460		A	Revision of tricuspid valve	23.56	NA	11.38	3.64	NA	38.58	090
33463		A	Valvuloplasty, tricuspid	25.58	NA	12.99	3.82	NA	42.39	090
33464		A	Valvuloplasty, tricuspid	27.29	NA	13.60	4.19	NA	45.08	090
33465		A	Replace tricuspid valve	28.75	NA	13.05	4.35	NA	46.15	090
33468		A	Revision of tricuspid valve	30.07	NA	13.76	4.82	NA	48.65	090
33470		A	Revision of pulmonary valve	20.78	NA	10.78	3.39	NA	34.95	090
33471		A	Valvotomy, pulmonary valve	22.22	NA	9.82	3.62	NA	35.66	090
33472		A	Revision of pulmonary valve	22.22	NA	11.97	3.52	NA	37.71	090
33474		A	Revision of pulmonary valve	23.01	NA	10.95	3.43	NA	37.39	090
33475		A	Replacement, pulmonary valve	32.95	NA	15.48	3.18	NA	51.61	090
33476		A	Revision of heart chamber	25.73	NA	12.03	2.89	NA	40.65	090
33478		A	Revision of heart chamber	26.70	NA	13.13	4.29	NA	44.12	090
33496		A	Repair, prosth valve clot	27.21	NA	12.83	4.15	NA	44.19	090
33500		A	Repair heart vessel fistula	25.51	NA	11.54	3.38	NA	40.43	090
33501		A	Repair heart vessel fistula	17.75	NA	8.34	2.47	NA	28.56	090
33502		A	Coronary artery correction	21.01	NA	11.15	3.03	NA	35.19	090
33503		A	Coronary artery graft	21.75	NA	9.83	1.71	NA	33.29	090
33504		A	Coronary artery graft	24.62	NA	11.91	3.67	NA	40.20	090
33505		A	Repair artery w/tunnel	26.80	NA	13.02	1.83	NA	41.65	090
33506		A	Repair artery, translocation	35.45	NA	14.66	3.85	NA	53.96	090
33508		A	Endoscopic vein harvest	0.31	NA	0.10	0.04	NA	0.45	ZZZ
33510		A	CABG, vein, single	28.96	NA	16.41	3.78	NA	49.15	090
33511		A	CABG, vein, two	29.96	NA	17.15	4.03	NA	51.14	090
33512		A	CABG, vein, three	31.75	NA	17.68	4.46	NA	53.89	090
33513		A	CABG, vein, four	31.95	NA	17.86	4.81	NA	54.62	090
33514		A	CABG, vein, five	32.70	NA	18.14	5.27	NA	56.11	090
33516		A	Cabg, vein, six or more	34.95	NA	18.88	5.57	NA	59.40	090
33517		A	CABG, artery-vein, single	2.57	NA	0.84	0.39	NA	3.80	ZZZ
33518		A	CABG, artery-vein, two	4.84	NA	1.59	0.74	NA	7.17	ZZZ
33519		A	CABG, artery-vein, three	7.11	NA	2.33	1.07	NA	10.51	ZZZ
33521		A	CABG, artery-vein, four	9.39	NA	3.08	1.42	NA	13.89	ZZZ
33522		A	CABG, artery-vein, five	11.65	NA	3.82	1.79	NA	17.26	ZZZ
33523		A	Cabg, art-vein, six or more	13.93	NA	4.55	2.15	NA	20.63	ZZZ
33530		A	Coronary artery, bypass/reop	5.85	NA	1.91	0.88	NA	8.64	ZZZ
33533		A	CABG, arterial, single	29.96	NA	16.54	3.91	NA	50.41	090
33534		A	CABG, arterial, two	32.15	NA	17.79	4.38	NA	54.32	090
33535		A	CABG, arterial, three	34.45	NA	18.22	4.79	NA	57.46	090
33536		A	Cabg, arterial, four or more	37.44	NA	18.38	3.97	NA	59.79	090
33542		A	Removal of heart lesion	28.81	NA	13.08	4.35	NA	46.24	090
33545		A	Repair of heart damage	36.72	NA	15.73	5.31	NA	57.76	090
33572		A	Open coronary endarterectomy	4.44	NA	1.46	0.66	NA	6.56	ZZZ
33600		A	Closure of valve	29.47	NA	12.62	2.77	NA	44.86	090
33602		A	Closure of valve	28.50	NA	12.54	3.50	NA	44.54	090
33606		A	Anastomosis/artery-aorta	30.69	NA	13.75	4.33	NA	48.77	090
33608		A	Repair anomaly w/conduit	31.04	NA	14.19	5.03	NA	50.26	090
33610		A	Repair by enlargement	30.56	NA	14.20	4.85	NA	49.61	090
33611		A	Repair double ventricle	33.95	NA	14.23	3.96	NA	52.14	090
33612		A	Repair double ventricle	34.95	NA	15.25	5.36	NA	55.56	090
33615		A	Repair, modified fontan	33.95	NA	15.14	3.80	NA	52.89	090
33617		A	Repair single ventricle	36.94	NA	16.11	4.93	NA	57.98	090
33619		A	Repair single ventricle	44.93	NA	20.94	5.68	NA	71.55	090
33641		A	Repair heart septum defect	21.36	NA	9.64	3.22	NA	34.22	090
33645		A	Revision of heart veins	24.78	NA	11.84	3.94	NA	40.56	090
33647		A	Repair heart septum defects	28.69	NA	13.86	4.06	NA	46.61	090
33660		A	Repair of heart defects	29.96	NA	13.58	3.40	NA	46.94	090
33665		A	Repair of heart defects	28.56	NA	13.91	4.60	NA	47.07	090
33670		A	Repair of heart chambers	34.95	NA	13.39	2.63	NA	50.97	090
33681		A	Repair heart septum defect	30.56	NA	14.77	4.26	NA	49.59	090
33684		A	Repair heart septum defect	29.61	NA	13.71	4.55	NA	47.87	090
33688		A	Repair heart septum defect	30.57	NA	10.58	4.69	NA	45.84	090
33690		A	Reinforce pulmonary artery	19.52	NA	10.32	3.09	NA	32.93	090
33692		A	Repair of heart defects	30.70	NA	14.02	4.55	NA	49.27	090
33694		A	Repair of heart defects	33.95	NA	14.32	5.15	NA	53.42	090
33697		A	Repair of heart defects	35.95	NA	14.95	5.48	NA	56.38	090
33702		A	Repair of heart defects	26.50	NA	12.65	4.16	NA	43.31	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
33710		A	Repair of heart defects	29.67	NA	14.08	4.64	NA	48.39	090
33720		A	Repair of heart defect	26.52	NA	12.36	3.87	NA	42.75	090
33722		A	Repair of heart defect	28.37	NA	13.94	4.58	NA	46.89	090
33730		A	Repair heart-vein defect(s)	34.20	NA	14.23	3.44	NA	51.87	090
33732		A	Repair heart-vein defect	28.12	NA	13.50	3.35	NA	44.97	090
33735		A	Revision of heart chamber	21.36	NA	10.08	1.35	NA	32.79	090
33736		A	Revision of heart chamber	23.48	NA	11.95	3.26	NA	38.69	090
33737		A	Revision of heart chamber	21.73	NA	11.02	3.53	NA	36.28	090
33750		A	Major vessel shunt	21.38	NA	10.31	2.10	NA	33.79	090
33755		A	Major vessel shunt	21.76	NA	8.86	3.53	NA	34.15	090
33762		A	Major vessel shunt	21.76	NA	10.24	1.92	NA	33.92	090
33764		A	Major vessel shunt & graft	21.76	NA	10.31	2.33	NA	34.40	090
33766		A	Major vessel shunt	22.73	NA	11.73	3.67	NA	38.13	090
33767		A	Major vessel shunt	24.46	NA	11.81	3.79	NA	40.06	090
33770		A	Repair great vessels defect	36.94	NA	14.77	5.42	NA	57.13	090
33771		A	Repair great vessels defect	34.60	NA	12.48	5.63	NA	52.71	090
33774		A	Repair great vessels defect	30.93	NA	14.23	5.04	NA	50.20	090
33775		A	Repair great vessels defect	32.15	NA	14.28	5.23	NA	51.66	090
33776		A	Repair great vessels defect	33.99	NA	15.88	5.52	NA	55.39	090
33777		A	Repair great vessels defect	33.41	NA	14.95	5.44	NA	53.80	090
33778		A	Repair great vessels defect	39.94	NA	16.98	5.83	NA	62.75	090
33779		A	Repair great vessels defect	36.16	NA	15.49	2.89	NA	54.54	090
33780		A	Repair great vessels defect	41.69	NA	19.13	6.28	NA	67.10	090
33781		A	Repair great vessels defect	36.40	NA	13.56	5.92	NA	55.88	090
33786		A	Repair arterial trunk	38.94	NA	16.79	5.66	NA	61.39	090
33788		A	Revision of pulmonary artery	26.58	NA	12.03	4.00	NA	42.61	090
33800		A	Aortic suspension	16.22	NA	8.21	1.34	NA	25.77	090
33802		A	Repair vessel defect	17.63	NA	9.30	1.88	NA	28.81	090
33803		A	Repair vessel defect	19.57	NA	9.84	3.17	NA	32.58	090
33813		A	Repair septal defect	20.62	NA	10.99	3.35	NA	34.96	090
33814		A	Repair septal defect	25.73	NA	12.73	3.04	NA	41.50	090
33820		A	Revise major vessel	16.27	NA	8.39	2.53	NA	27.19	090
33822		A	Revise major vessel	17.29	NA	9.03	2.81	NA	29.13	090
33824		A	Revise major vessel	19.49	NA	10.06	3.15	NA	32.70	090
33840		A	Remove aorta constriction	20.60	NA	10.36	2.85	NA	33.81	090
33845		A	Remove aorta constriction	22.09	NA	11.42	3.50	NA	37.01	090
33851		A	Remove aorta constriction	21.24	NA	10.78	3.45	NA	35.47	090
33852		A	Repair septal defect	23.67	NA	11.45	3.85	NA	38.97	090
33853		A	Repair septal defect	31.67	NA	14.92	5.10	NA	51.69	090
33860		A	Ascending aortic graft	37.94	NA	16.55	5.19	NA	59.68	090
33861		A	Ascending aortic graft	41.94	NA	17.81	5.11	NA	64.86	090
33863		A	Ascending aortic graft	44.93	NA	18.80	5.55	NA	69.28	090
33870		A	Transverse aortic arch graft	43.93	NA	18.49	6.14	NA	68.56	090
33875		A	Thoracic aortic graft	33.01	NA	14.18	4.92	NA	52.11	090
33877		A	Thoracoabdominal graft	42.54	NA	16.43	6.11	NA	65.08	090
33910		A	Remove lung artery emboli	24.55	NA	11.52	3.69	NA	39.76	090
33915		A	Remove lung artery emboli	20.99	NA	9.68	1.45	NA	32.12	090
33916		A	Surgery of great vessel	25.79	NA	11.43	3.67	NA	40.89	090
33917		A	Repair pulmonary artery	24.46	NA	12.27	3.82	NA	40.55	090
33918		A	Repair pulmonary atresia	26.41	NA	12.19	4.12	NA	42.72	090
33919		A	Repair pulmonary atresia	39.94	NA	17.62	4.20	NA	61.76	090
33920		A	Repair pulmonary atresia	31.90	NA	13.92	4.35	NA	50.17	090
33922		A	Transect pulmonary artery	23.48	NA	10.98	2.77	NA	37.23	090
33924		A	Remove pulmonary shunt	5.49	NA	1.85	0.89	NA	8.23	ZZZ
33930		X	Removal of donor heart/lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33935		R	Transplantation, heart/lung	60.87	NA	29.07	9.83	NA	99.77	090
33940		X	Removal of donor heart	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33945		R	Transplantation of heart	42.04	NA	21.66	6.54	NA	70.24	090
33960		A	External circulation assist	19.33	NA	4.93	2.58	NA	26.84	000
33961		A	External circulation assist	10.91	NA	3.63	1.77	NA	16.31	ZZZ
33967		A	Insert ia percut device	4.84	NA	1.85	0.34	NA	7.03	000
33968		A	Remove aortic assist device	0.64	NA	0.23	0.08	NA	0.95	000
33970		A	Aortic circulation assist	6.74	NA	2.29	0.84	NA	9.87	000
33971		A	Aortic circulation assist	9.68	NA	6.07	1.17	NA	16.92	090
33973		A	Insert balloon device	9.75	NA	3.32	1.22	NA	14.29	000
33974		A	Remove intra-aortic balloon	14.39	NA	7.95	1.79	NA	24.13	090
33975		A	Implant ventricular device	20.97	NA	6.31	2.07	NA	29.35	XXX
33976		A	Implant ventricular device	22.97	NA	7.58	3.40	NA	33.95	XXX
33977		A	Remove ventricular device	19.26	NA	11.13	2.94	NA	33.33	090
33978		A	Remove ventricular device	21.70	NA	11.80	3.21	NA	36.71	090
33979		A	Insert intracorporeal device	45.93	NA	14.97	4.80	NA	65.70	XXX
33980		A	Remove intracorporeal device	56.17	NA	25.52	5.55	NA	87.24	090
33999		C	Cardiac surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
34001		A	Removal of artery clot	12.89	NA	6.75	1.76	NA	21.40	090
34051		A	Removal of artery clot	15.19	NA	7.82	2.29	NA	25.30	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
34101		A	Removal of artery clot	9.99	NA	5.38	1.34	NA	16.71	090
34111		A	Removal of arm artery clot	9.99	NA	5.38	1.03	NA	16.40	090
34151		A	Removal of artery clot	24.96	NA	10.45	2.22	NA	37.63	090
34201		A	Removal of artery clot	10.01	NA	5.45	1.23	NA	16.69	090
34203		A	Removal of leg artery clot	16.48	NA	8.09	1.65	NA	26.22	090
34401		A	Removal of vein clot	24.96	NA	10.72	1.45	NA	37.13	090
34421		A	Removal of vein clot	11.98	NA	6.33	1.15	NA	19.46	090
34451		A	Removal of vein clot	26.96	NA	11.49	1.92	NA	40.37	090
34471		A	Removal of vein clot	10.16	NA	5.35	1.09	NA	16.60	090
34490		A	Removal of vein clot	9.85	NA	5.46	0.88	NA	16.19	090
34501		A	Repair valve, femoral vein	15.98	NA	8.55	1.65	NA	26.18	090
34502		A	Reconstruct vena cava	26.91	NA	12.34	3.61	NA	42.86	090
34510		A	Transposition of vein valve	18.92	NA	9.48	1.93	NA	30.33	090
34520		A	Cross-over vein graft	17.92	NA	8.72	1.70	NA	28.34	090
34530		A	Leg vein fusion	16.62	NA	8.65	2.48	NA	27.75	090
34800		A	Endovasc abdo repair w/tube	20.72	NA	9.21	1.80	NA	31.73	090
34802		A	Endovasc abdo repr w/device	22.97	NA	9.83	1.99	NA	34.79	090
34804		A	Endovasc abdo repr w/device	22.97	NA	9.84	1.99	NA	34.80	090
34805		A	Endovasc abdo repair w/pros	21.85	NA	9.46	1.99	NA	33.30	090
34808		A	Endovasc abdo occlud device	4.12	NA	1.38	0.35	NA	5.85	ZZZ
34812		A	Xpose for endoprosth, femorl	6.74	NA	2.24	0.59	NA	9.57	000
34813		A	Femoral endovas graft add-on	4.79	NA	1.58	0.41	NA	6.78	ZZZ
34820		A	Xpose for endoprosth, iliac	9.74	NA	3.25	0.84	NA	13.83	000
34825		A	Endovasc extend prosth, init	11.98	NA	6.17	1.04	NA	19.19	090
34826		A	Endovasc exten prosth, add'l	4.12	NA	1.38	0.35	NA	5.85	ZZZ
34830		A	Open aortic tube prosth repr	32.54	NA	13.76	2.82	NA	49.12	090
34831		A	Open aortoiliac prosth repr	35.29	NA	11.80	3.05	NA	50.14	090
34832		A	Open aortofemor prosth repr	35.29	NA	14.68	3.05	NA	53.02	090
34833		A	Xpose for endoprosth, iliac	11.98	NA	4.51	0.84	NA	17.33	000
34834		A	Xpose, endoprosth, brachial	5.34	NA	2.23	0.59	NA	8.16	000
34900		A	Endovasc iliac repr w/graft	16.36	NA	7.82	1.80	NA	25.98	090
35001		A	Repair defect of artery	19.61	NA	9.59	2.94	NA	32.14	090
35002		A	Repair artery rupture, neck	20.97	NA	9.74	2.20	NA	32.91	090
35005		A	Repair defect of artery	18.09	NA	8.89	1.63	NA	28.61	090
35011		A	Repair defect of artery	17.97	NA	8.02	1.57	NA	27.56	090
35013		A	Repair artery rupture, arm	21.97	NA	9.73	2.30	NA	34.00	090
35021		A	Repair defect of artery	19.62	NA	9.50	2.33	NA	31.45	090
35022		A	Repair artery rupture, chest	23.15	NA	10.10	2.40	NA	35.65	090
35045		A	Repair defect of arm artery	17.54	NA	7.58	1.51	NA	26.63	090
35081		A	Repair defect of artery	27.97	NA	11.51	3.86	NA	43.34	090
35082		A	Repair artery rupture, aorta	38.44	NA	15.35	4.91	NA	58.70	090
35091		A	Repair defect of artery	35.35	NA	13.63	4.93	NA	53.91	090
35092		A	Repair artery rupture, aorta	44.93	NA	17.70	5.20	NA	67.83	090
35102		A	Repair defect of artery	30.71	NA	12.41	4.15	NA	47.27	090
35103		A	Repair artery rupture, groin	40.44	NA	15.92	4.57	NA	60.93	090
35111		A	Repair defect of artery	24.96	NA	10.51	2.18	NA	37.65	090
35112		A	Repair artery rupture,spleen	29.96	NA	12.01	2.35	NA	44.32	090
35121		A	Repair defect of artery	29.96	NA	12.42	3.53	NA	45.91	090
35122		A	Repair artery rupture, belly	34.95	NA	13.86	4.27	NA	53.08	090
35131		A	Repair defect of artery	24.96	NA	10.80	2.54	NA	38.30	090
35132		A	Repair artery rupture, groin	29.96	NA	12.42	2.99	NA	45.37	090
35141		A	Repair defect of artery	19.97	NA	8.95	1.99	NA	30.91	090
35142		A	Repair artery rupture, thigh	23.27	NA	10.40	2.11	NA	35.78	090
35151		A	Repair defect of artery	22.61	NA	10.04	2.33	NA	34.98	090
35152		A	Repair artery rupture, knee	25.58	NA	11.43	2.33	NA	39.34	090
35161		A	Repair defect of artery	18.73	NA	9.19	2.67	NA	30.59	090
35162		A	Repair artery rupture	19.75	NA	9.61	2.67	NA	32.03	090
35180		A	Repair blood vessel lesion	13.60	NA	6.98	1.74	NA	22.32	090
35182		A	Repair blood vessel lesion	29.96	NA	12.85	2.27	NA	45.08	090
35184		A	Repair blood vessel lesion	17.97	NA	8.34	1.62	NA	27.93	090
35188		A	Repair blood vessel lesion	14.26	NA	7.67	1.85	NA	23.78	090
35189		A	Repair blood vessel lesion	27.96	NA	12.00	2.56	NA	42.52	090
35190		A	Repair blood vessel lesion	12.73	NA	6.50	1.60	NA	20.83	090
35201		A	Repair blood vessel lesion	16.12	NA	8.02	1.41	NA	25.55	090
35206		A	Repair blood vessel lesion	13.23	NA	6.61	1.25	NA	21.09	090
35207		A	Repair blood vessel lesion	10.13	NA	7.51	1.39	NA	19.03	090
35211		A	Repair blood vessel lesion	22.09	NA	10.70	3.41	NA	36.20	090
35216		A	Repair blood vessel lesion	18.72	NA	9.04	2.62	NA	30.38	090
35221		A	Repair blood vessel lesion	24.35	NA	9.98	2.16	NA	36.49	090
35226		A	Repair blood vessel lesion	14.48	NA	7.52	1.01	NA	23.01	090
35231		A	Repair blood vessel lesion	19.97	NA	9.81	1.59	NA	31.37	090
35236		A	Repair blood vessel lesion	17.08	NA	7.95	1.44	NA	26.47	090
35241		A	Repair blood vessel lesion	23.09	NA	11.20	3.50	NA	37.79	090
35246		A	Repair blood vessel lesion	26.41	NA	11.51	2.68	NA	40.60	090
35251		A	Repair blood vessel lesion	30.15	NA	11.84	2.26	NA	44.25	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
35256		A	Repair blood vessel lesion	18.33	NA	8.43	1.59	NA	28.35	090
35261		A	Repair blood vessel lesion	17.77	NA	8.05	1.62	NA	27.44	090
35266		A	Repair blood vessel lesion	14.89	NA	7.06	1.40	NA	23.35	090
35271		A	Repair blood vessel lesion	22.09	NA	10.59	3.34	NA	36.02	090
35276		A	Repair blood vessel lesion	24.21	NA	11.28	2.86	NA	38.35	090
35281		A	Repair blood vessel lesion	27.96	NA	11.75	2.20	NA	41.91	090
35286		A	Repair blood vessel lesion	16.14	NA	8.12	1.64	NA	25.90	090
35301		A	Rechanneling of artery	18.67	NA	8.50	2.69	NA	29.86	090
35311		A	Rechanneling of artery	26.96	NA	11.79	3.32	NA	42.07	090
35321		A	Rechanneling of artery	15.98	NA	7.41	1.64	NA	25.03	090
35331		A	Rechanneling of artery	26.16	NA	11.28	3.27	NA	40.71	090
35341		A	Rechanneling of artery	25.07	NA	10.91	3.46	NA	39.44	090
35351		A	Rechanneling of artery	22.97	NA	9.64	2.76	NA	35.37	090
35355		A	Rechanneling of artery	18.47	NA	8.12	2.17	NA	28.76	090
35361		A	Rechanneling of artery	28.16	NA	11.75	3.21	NA	43.12	090
35363		A	Rechanneling of artery	30.15	NA	12.63	3.34	NA	46.12	090
35371		A	Rechanneling of artery	14.70	NA	6.99	1.59	NA	23.28	090
35372		A	Rechanneling of artery	17.97	NA	8.08	1.85	NA	27.90	090
35381		A	Rechanneling of artery	15.79	NA	7.85	2.17	NA	25.81	090
35390		A	Reoperation, carotid add-on	3.19	NA	1.07	0.46	NA	4.72	ZZZ
35400		A	Angioscopy	3.00	NA	1.12	0.41	NA	4.53	ZZZ
35450		A	Repair arterial blockage	10.05	NA	4.04	1.01	NA	15.10	000
35452		A	Repair arterial blockage	6.90	NA	3.17	0.92	NA	10.99	000
35454		A	Repair arterial blockage	6.03	NA	2.84	0.81	NA	9.68	000
35456		A	Repair arterial blockage	7.34	NA	3.29	0.99	NA	11.62	000
35458		A	Repair arterial blockage	9.48	NA	4.01	1.31	NA	14.80	000
35459		A	Repair arterial blockage	8.62	NA	3.64	1.16	NA	13.42	000
35460		A	Repair venous blockage	6.03	NA	2.68	0.80	NA	9.51	000
35470		A	Repair arterial blockage	8.62	NA	3.85	0.60	NA	13.07	000
35471		A	Repair arterial blockage	10.05	NA	4.45	0.60	NA	15.10	000
35472		A	Repair arterial blockage	6.90	NA	3.24	0.47	NA	10.61	000
35473		A	Repair arterial blockage	6.03	NA	2.92	0.41	NA	9.36	000
35474		A	Repair arterial blockage	7.35	NA	2.88	0.48	NA	10.71	000
35475		R	Repair arterial blockage	9.48	NA	4.06	0.57	NA	14.11	000
35476		A	Repair venous blockage	6.03	NA	2.85	0.33	NA	9.21	000
35480		A	Atherectomy, open	11.06	NA	4.51	1.36	NA	16.93	000
35481		A	Atherectomy, open	7.60	NA	3.48	1.01	NA	12.09	000
35482		A	Atherectomy, open	6.64	NA	3.09	0.90	NA	10.63	000
35483		A	Atherectomy, open	8.09	NA	3.54	0.98	NA	12.61	000
35484		A	Atherectomy, open	10.42	NA	4.23	1.36	NA	16.01	000
35485		A	Atherectomy, open	9.48	NA	4.06	1.28	NA	14.82	000
35490		A	Atherectomy, percutaneous	11.06	NA	4.71	0.66	NA	16.43	000
35491		A	Atherectomy, percutaneous	7.60	NA	3.30	0.59	NA	11.49	000
35492		A	Atherectomy, percutaneous	6.64	NA	3.19	0.52	NA	10.35	000
35493		A	Atherectomy, percutaneous	8.09	NA	3.81	0.57	NA	12.47	000
35494		A	Atherectomy, percutaneous	10.42	NA	4.40	0.58	NA	15.40	000
35495		A	Atherectomy, percutaneous	9.48	NA	4.39	0.62	NA	14.49	000
35500		A	Harvest vein for bypass	6.44	NA	2.03	0.76	NA	9.23	ZZZ
35501		A	Artery bypass graft	19.16	NA	8.51	2.81	NA	30.48	090
35506		A	Artery bypass graft	19.64	NA	9.51	2.81	NA	31.96	090
35507		A	Artery bypass graft	19.64	NA	9.46	2.74	NA	31.84	090
35508		A	Artery bypass graft	18.62	NA	9.48	2.82	NA	30.92	090
35509		A	Artery bypass graft	18.04	NA	8.80	2.56	NA	29.40	090
35510		A	Artery bypass graft	22.97	NA	10.17	2.10	NA	35.24	090
35511		A	Artery bypass graft	21.17	NA	9.39	2.10	NA	32.66	090
35512		A	Artery bypass graft	22.47	NA	10.00	2.10	NA	34.57	090
35515		A	Artery bypass graft	18.62	NA	9.33	2.73	NA	30.68	090
35516		A	Artery bypass graft	16.30	NA	6.84	2.27	NA	25.41	090
35518		A	Artery bypass graft	21.17	NA	9.02	2.15	NA	32.34	090
35521		A	Artery bypass graft	22.17	NA	9.87	2.20	NA	34.24	090
35522		A	Artery bypass graft	21.73	NA	9.74	2.10	NA	33.57	090
35525		A	Artery bypass graft	20.60	NA	9.35	2.10	NA	32.05	090
35526		A	Artery bypass graft	29.91	NA	12.56	2.63	NA	45.10	090
35531		A	Artery bypass graft	36.15	NA	14.54	3.51	NA	54.20	090
35533		A	Artery bypass graft	27.96	NA	11.77	2.83	NA	42.56	090
35536		A	Artery bypass graft	31.65	NA	13.00	3.16	NA	47.81	090
35541		A	Artery bypass graft	25.76	NA	11.25	3.30	NA	40.31	090
35546		A	Artery bypass graft	25.50	NA	10.91	3.43	NA	39.84	090
35548		A	Artery bypass graft	21.54	NA	9.46	2.95	NA	33.95	090
35549		A	Artery bypass graft	23.31	NA	10.42	3.34	NA	37.07	090
35551		A	Artery bypass graft	26.63	NA	11.56	3.85	NA	42.04	090
35556		A	Artery bypass graft	21.73	NA	9.77	2.99	NA	34.49	090
35558		A	Artery bypass graft	21.17	NA	9.59	1.91	NA	32.67	090
35560		A	Artery bypass graft	31.95	NA	13.37	3.29	NA	48.61	090
35563		A	Artery bypass graft	24.16	NA	10.57	2.03	NA	36.76	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
35565		A	Artery bypass graft	23.17	NA	10.17	2.06	NA	35.40	090
35566		A	Artery bypass graft	26.88	NA	11.45	3.64	NA	41.97	090
35571		A	Artery bypass graft	24.02	NA	10.91	2.58	NA	37.51	090
35572		A	Harvest femoropopliteal vein	6.81	NA	2.34	0.76	NA	9.91	ZZZ
35582		A	Vein bypass graft	27.09	NA	11.62	3.75	NA	42.46	090
35583		A	Vein bypass graft	22.34	NA	10.21	3.05	NA	35.60	090
35585		A	Vein bypass graft	28.35	NA	12.32	3.87	NA	44.54	090
35587		A	Vein bypass graft	24.71	NA	11.54	2.62	NA	38.87	090
35600		A	Harvest artery for cabg	4.94	NA	1.63	0.72	NA	7.29	ZZZ
35601		A	Artery bypass graft	17.47	NA	8.66	2.51	NA	28.64	090
35606		A	Artery bypass graft	18.68	NA	9.06	2.62	NA	30.36	090
35612		A	Artery bypass graft	15.74	NA	7.92	2.07	NA	25.73	090
35616		A	Artery bypass graft	15.68	NA	8.14	2.22	NA	26.04	090
35621		A	Artery bypass graft	19.97	NA	8.71	2.03	NA	30.71	090
35623		A	Bypass graft, not vein	23.96	NA	10.54	2.30	NA	36.80	090
35626		A	Artery bypass graft	27.71	NA	12.03	3.49	NA	43.23	090
35631		A	Artery bypass graft	33.95	NA	13.88	3.41	NA	51.24	090
35636		A	Artery bypass graft	29.46	NA	12.35	2.86	NA	44.67	090
35641		A	Artery bypass graft	24.53	NA	11.11	3.41	NA	39.05	090
35642		A	Artery bypass graft	17.95	NA	8.72	2.22	NA	28.89	090
35645		A	Artery bypass graft	17.44	NA	8.31	2.30	NA	28.05	090
35646		A	Artery bypass graft	30.95	NA	13.15	4.38	NA	48.48	090
35647		A	Artery bypass graft	27.96	NA	11.82	3.96	NA	43.74	090
35650		A	Artery bypass graft	18.97	NA	8.40	1.98	NA	29.35	090
35651		A	Artery bypass graft	25.00	NA	10.89	3.05	NA	38.94	090
35654		A	Artery bypass graft	24.96	NA	10.70	2.53	NA	38.19	090
35656		A	Artery bypass graft	19.50	NA	8.64	2.67	NA	30.81	090
35661		A	Artery bypass graft	18.97	NA	8.96	1.81	NA	29.74	090
35663		A	Artery bypass graft	21.97	NA	10.02	1.87	NA	33.86	090
35665		A	Artery bypass graft	20.97	NA	9.48	2.12	NA	32.57	090
35666		A	Artery bypass graft	22.16	NA	10.72	2.64	NA	35.52	090
35671		A	Artery bypass graft	19.30	NA	9.43	2.03	NA	30.76	090
35681		A	Composite bypass graft	1.60	NA	0.53	0.22	NA	2.35	ZZZ
35682		A	Composite bypass graft	7.19	NA	2.40	1.00	NA	10.59	ZZZ
35683		A	Composite bypass graft	8.49	NA	2.83	1.18	NA	12.50	ZZZ
35685		A	Bypass graft patency/patch	4.04	NA	1.35	0.30	NA	5.69	ZZZ
35686		A	Bypass graft/av fist patency	3.34	NA	1.13	0.25	NA	4.72	ZZZ
35691		A	Arterial transposition	18.02	NA	8.45	2.48	NA	28.95	090
35693		A	Arterial transposition	15.34	NA	7.76	2.17	NA	25.27	090
35694		A	Arterial transposition	19.13	NA	8.64	2.57	NA	30.34	090
35695		A	Arterial transposition	19.13	NA	8.60	2.64	NA	30.37	090
35697		A	Reimplant artery each	3.00	NA	1.03	0.41	NA	4.44	ZZZ
35700		A	Reoperation, bypass graft	3.08	NA	1.03	0.43	NA	4.54	ZZZ
35701		A	Exploration, carotid artery	8.49	NA	5.18	0.77	NA	14.44	090
35721		A	Exploration, femoral artery	7.17	NA	4.48	0.71	NA	12.36	090
35741		A	Exploration popliteal artery	7.99	NA	4.71	0.72	NA	13.42	090
35761		A	Exploration of artery/vein	5.36	NA	4.07	0.72	NA	10.15	090
35800		A	Explore neck vessels	7.01	NA	4.68	0.95	NA	12.64	090
35820		A	Explore chest vessels	12.86	NA	7.20	1.94	NA	22.00	090
35840		A	Explore abdominal vessels	9.76	NA	5.31	1.28	NA	16.35	090
35860		A	Explore limb vessels	5.54	NA	4.06	0.76	NA	10.36	090
35870		A	Repair vessel graft defect	22.14	NA	9.81	2.98	NA	34.93	090
35875		A	Removal of clot in graft	10.11	NA	5.24	1.17	NA	16.52	090
35876		A	Removal of clot in graft	16.97	NA	7.59	2.27	NA	26.83	090
35879		A	Revise graft w/vein	15.98	NA	7.75	1.63	NA	25.36	090
35881		A	Revise graft w/vein	17.97	NA	8.75	1.74	NA	28.46	090
35901		A	Excision, graft, neck	8.18	NA	5.36	1.09	NA	14.63	090
35903		A	Excision, graft, extremity	9.38	NA	6.01	1.24	NA	16.63	090
35905		A	Excision, graft, thorax	31.20	NA	13.26	2.59	NA	47.05	090
35907		A	Excision, graft, abdomen	34.95	NA	14.11	2.62	NA	51.68	090
36000		A	Place needle in vein	0.18	0.60	0.05	0.01	0.79	0.24	XXX
36002		A	Pseudoaneurysm injection trt	1.96	2.91	0.99	0.12	4.99	3.07	000
36005		A	Injection ext venography	0.95	8.47	0.32	0.05	9.47	1.32	000
36010		A	Place catheter in vein	2.43	NA	0.79	0.19	NA	3.41	XXX
36011		A	Place catheter in vein	3.14	NA	1.03	0.21	NA	4.38	XXX
36012		A	Place catheter in vein	3.51	NA	1.15	0.21	NA	4.87	XXX
36013		A	Place catheter in artery	2.52	NA	0.66	0.21	NA	3.39	XXX
36014		A	Place catheter in artery	3.02	NA	0.99	0.17	NA	4.18	XXX
36015		A	Place catheter in artery	3.51	NA	1.15	0.19	NA	4.85	XXX
36100		A	Establish access to artery	3.02	NA	1.10	0.22	NA	4.34	XXX
36120		A	Establish access to artery	2.01	NA	0.65	0.13	NA	2.79	XXX
36140		A	Establish access to artery	2.01	NA	0.64	0.14	NA	2.79	XXX
36145		A	Artery to vein shunt	2.01	NA	0.66	0.12	NA	2.79	XXX
36160		A	Establish access to aorta	2.52	NA	0.85	0.24	NA	3.61	XXX
36200		A	Place catheter in aorta	3.02	NA	1.02	0.18	NA	4.22	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
36215		A	Place catheter in artery	4.67	NA	1.58	0.27	NA	6.52	XXX
36216		A	Place catheter in artery	5.27	NA	1.76	0.29	NA	7.32	XXX
36217		A	Place catheter in artery	6.29	NA	2.14	0.39	NA	8.82	XXX
36218		A	Place catheter in artery	1.01	NA	0.35	0.06	NA	1.42	ZZZ
36245		A	Place catheter in artery	4.67	NA	1.65	0.28	NA	6.60	XXX
36246		A	Place catheter in artery	5.27	NA	1.79	0.31	NA	7.37	XXX
36247		A	Place catheter in artery	6.29	NA	2.10	0.39	NA	8.78	XXX
36248		A	Place catheter in artery	1.01	NA	0.35	0.07	NA	1.43	ZZZ
36260		A	Insertion of infusion pump	9.70	NA	4.90	1.21	NA	15.81	090
36261		A	Revision of infusion pump	5.44	NA	3.66	0.60	NA	9.70	090
36262		A	Removal of infusion pump	4.01	NA	2.77	0.52	NA	7.30	090
36299		C	Vessel injection procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
36400		A	Bl draw < 3 yrs fem/jugular	0.38	0.29	0.09	0.01	0.68	0.48	XXX
36405		A	Bl draw < 3 yrs scalp vein	0.31	0.27	0.08	0.01	0.59	0.40	XXX
36406		A	Bl draw < 3 yrs other vein	0.18	0.30	0.05	0.01	0.49	0.24	XXX
36410		A	Non-routine bl draw > 3 yrs	0.18	0.30	0.05	0.01	0.49	0.24	XXX
36415		I	Routine venipuncture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36416		I	Capillary blood draw	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36420		A	Vein access cutdown < 1 yr	1.01	3.06	0.28	0.11	4.18	1.40	XXX
36425		A	Vein access cutdown > 1 yr	0.76	NA	0.22	0.06	NA	1.04	XXX
36430		A	Blood transfusion service	0.00	1.01	NA	0.06	1.07	NA	XXX
36440		A	Bl push transfuse, 2 yr or <	1.03	NA	0.30	0.10	NA	1.43	XXX
36450		A	Bl exchange/transfuse, nb	2.23	NA	0.71	0.19	NA	3.13	XXX
36455		A	Bl exchange/transfuse non-nb	2.43	NA	1.02	0.12	NA	3.57	XXX
36460		A	Transfusion service, fetal	6.58	NA	2.25	0.68	NA	9.51	XXX
36468		R	Injection(s), spider veins	0.00	0.00	0.00	0.00	0.00	0.00	000
36469		R	Injection(s), spider veins	0.00	0.00	0.00	0.00	0.00	0.00	000
36470		A	Injection therapy of vein	1.09	2.72	0.44	0.12	3.93	1.65	010
36471		A	Injection therapy of veins	1.57	3.07	0.60	0.18	4.82	2.35	010
36481		A	Insertion of catheter, vein	6.98	7.51	2.73	0.48	14.97	10.19	000
36488		D	Insertion of catheter, vein	0.00	0.00	0.00	0.00	0.00	0.00	000
36489		D	Insertion of catheter, vein	0.00	0.00	0.00	0.00	0.00	0.00	000
36490		D	Insertion of catheter, vein	0.00	0.00	0.00	0.00	0.00	0.00	000
36491		D	Insertion of catheter, vein	0.00	0.00	0.00	0.00	0.00	0.00	000
36493		D	Repositioning of cvc	0.00	0.00	0.00	0.00	0.00	0.00	000
36500		A	Insertion of catheter, vein	3.51	NA	1.37	0.17	NA	5.05	000
36510		A	Insertion of catheter, vein	1.09	3.74	0.61	0.07	4.90	1.77	000
36511		A	Apheresis wbc	1.74	NA	0.71	0.07	NA	2.52	000
36512		A	Apheresis rbc	1.74	NA	0.71	0.07	NA	2.52	000
36513		A	Apheresis platelets	1.74	NA	0.71	0.07	NA	2.52	000
36514		A	Apheresis plasma	1.74	NA	0.71	0.07	NA	2.52	000
36515		A	Apheresis, adsorp/reinfuse	1.74	NA	0.73	0.07	NA	2.54	000
36516		A	Apheresis, selective	1.22	NA	0.51	0.07	NA	1.80	000
36522		A	Photopheresis	1.67	30.33	1.13	0.08	32.08	2.88	000
36530		D	Insertion of infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	010
36531		D	Revision of infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	010
36532		D	Removal of infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	010
36533		D	Insertion of access device	0.00	0.00	0.00	0.00	0.00	0.00	010
36534		D	Revision of access device	0.00	0.00	0.00	0.00	0.00	0.00	010
36535		D	Removal of access device	0.00	0.00	0.00	0.00	0.00	0.00	010
36536		D	Remove cva device obstruct	0.00	0.00	0.00	0.00	0.00	0.00	000
36537		D	Remove cva lumen obstruct	0.00	0.00	0.00	0.00	0.00	0.00	000
36540		B	Collect blood venous device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36550		A	Declot vascular device	0.00	0.39	NA	0.37	0.76	NA	XXX
36555		A	Insert non-tunnel cv cath	2.68	6.00	0.82	0.21	8.89	3.71	000
36556		A	Insert non-tunnel cv cath	2.50	5.85	0.74	0.10	8.45	3.34	000
36557		A	Insert tunneled cv cath	5.09	13.56	2.58	0.59	19.24	8.26	010
36558		A	Insert tunneled cv cath	4.79	13.45	2.47	0.59	18.83	7.85	010
36560		A	Insert tunneled cv cath	6.24	29.19	2.96	0.59	36.02	9.79	010
36561		A	Insert tunneled cv cath	5.99	29.11	2.87	0.59	35.69	9.45	010
36563		A	Insert tunneled cv cath	6.19	38.09	2.98	0.68	44.96	9.85	010
36565		A	Insert tunneled cv cath	5.99	22.15	2.87	0.59	28.73	9.45	010
36566		A	Insert tunneled cv cath	6.49	22.95	3.04	0.59	30.03	10.12	010
36568		A	Insert tunneled cv cath	1.92	8.19	0.59	0.21	10.32	2.72	000
36569		A	Insert tunneled cv cath	1.82	7.39	0.57	0.16	9.37	2.55	000
36570		A	Insert tunneled cv cath	5.31	40.27	2.64	0.59	46.17	8.54	010
36571		A	Insert tunneled cv cath	5.29	35.64	2.63	0.59	41.52	8.51	010
36575		A	Repair tunneled cv cath	0.67	3.35	0.26	0.59	4.61	1.52	000
36576		A	Repair tunneled cv cath	3.19	7.71	1.76	0.59	11.49	5.54	010
36578		A	Replace tunneled cv cath	3.49	10.54	2.20	0.59	14.62	6.28	010
36580		A	Replace tunneled cv cath	1.31	6.76	0.41	0.16	8.23	1.88	000
36581		A	Replace tunneled cv cath	3.43	13.27	1.84	0.59	17.29	5.86	010
36582		A	Replace tunneled cv cath	5.19	26.63	2.76	0.59	32.41	8.54	010
36583		A	Replace tunneled cv cath	5.24	13.13	2.77	0.59	18.96	8.60	010
36584		A	Replace tunneled cv cath	1.20	7.23	0.54	0.16	8.59	1.90	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
36585		A	Replace tunneled cv cath	4.79	35.46	2.62	0.59	40.84	8.00	010
36589		A	Removal tunneled cv cath	2.27	2.20	1.41	0.25	4.72	3.93	010
36590		A	Removal tunneled cv cath	3.30	6.41	1.64	0.41	10.12	5.35	010
36595		A	Mech remov tunneled cv cath	3.59	19.71	1.46	0.28	23.58	5.33	000
36596		A	Mech remov tunneled cv cath	0.75	4.39	0.49	0.05	5.19	1.29	000
36597		A	Reposition venous catheter	1.21	3.18	0.43	0.07	4.46	1.71	000
36600		A	Withdrawal of arterial blood	0.32	0.48	0.09	0.02	0.82	0.43	XXX
36620		A	Insertion catheter, artery	1.15	NA	0.24	0.07	NA	1.46	000
36625		A	Insertion catheter, artery	2.11	NA	0.52	0.19	NA	2.82	000
36640		A	Insertion catheter, artery	2.10	NA	1.05	0.22	NA	3.37	000
36660		A	Insertion catheter, artery	1.40	NA	0.44	0.10	NA	1.94	000
36680		A	Insert needle, bone cavity	1.20	NA	0.49	0.10	NA	1.79	000
36800		A	Insertion of cannula	2.43	NA	1.81	0.21	NA	4.45	000
36810		A	Insertion of cannula	3.96	NA	1.69	0.48	NA	6.13	000
36815		A	Insertion of cannula	2.62	NA	1.17	0.31	NA	4.10	000
36819		A	Av fusion/uppr arm vein	13.98	NA	6.40	1.88	NA	22.26	090
36820		A	Av fusion/forearm vein	13.98	NA	6.40	1.88	NA	22.26	090
36821		A	Av fusion direct any site	8.92	NA	4.71	1.17	NA	14.80	090
36822		A	Insertion of cannula(s)	5.41	NA	4.49	0.76	NA	10.66	090
36823		A	Insertion of cannula(s)	20.97	NA	9.48	2.63	NA	33.08	090
36825		A	Artery-vein autograft	9.83	NA	5.14	1.31	NA	16.28	090
36830		A	Artery-vein nonautograft	11.98	NA	5.30	1.59	NA	18.87	090
36831		A	Open thrombect av fistula	7.99	NA	3.97	0.95	NA	12.91	090
36832		A	Av fistula revision, open	10.48	NA	4.79	1.36	NA	16.63	090
36833		A	Av fistula revision	11.93	NA	5.25	1.56	NA	18.74	090
36834		A	Repair A-V aneurysm	9.92	NA	4.81	1.28	NA	16.01	090
36835		A	Artery to vein shunt	7.14	NA	4.39	0.96	NA	12.49	090
36838		A	Dist revas ligation, hemo	20.60	NA	9.36	2.99	NA	32.95	090
36860		A	External cannula declotting	2.01	2.49	1.35	0.12	4.62	3.48	000
36861		A	Cannula declotting	2.52	NA	1.48	0.17	NA	4.17	000
36870		A	Percut thrombect av fistula	5.15	46.98	3.14	0.28	52.41	8.57	090
37140		A	Revision of circulation	23.56	NA	10.50	1.46	NA	35.52	090
37145		A	Revision of circulation	24.57	NA	10.93	2.99	NA	38.49	090
37160		A	Revision of circulation	21.57	NA	9.30	2.61	NA	33.48	090
37180		A	Revision of circulation	24.57	NA	10.35	3.17	NA	38.09	090
37181		A	Splice spleen/kidney veins	26.64	NA	11.06	3.22	NA	40.92	090
37182		A	Insert hepatic shunt (tips)	16.97	NA	6.27	1.80	NA	25.04	000
37183		A	Remove hepatic shunt (tips)	7.99	NA	3.08	0.52	NA	11.59	000
37195		A	Thrombolytic therapy, stroke	0.00	8.08	NA	0.46	8.54	NA	XXX
37200		A	Transcatheter biopsy	4.55	NA	1.50	0.23	NA	6.28	000
37201		A	Transcatheter therapy infuse	4.99	NA	2.52	0.29	NA	7.80	000
37202		A	Transcatheter therapy infuse	5.67	NA	3.03	0.46	NA	9.16	000
37203		A	Transcatheter retrieval	5.02	NA	2.53	0.28	NA	7.83	000
37204		A	Transcatheter occlusion	18.11	NA	5.93	1.10	NA	25.14	000
37205		A	Transcatheter stent	8.27	NA	3.74	0.52	NA	12.53	000
37206		A	Transcatheter stent add-on	4.12	NA	1.44	0.27	NA	5.83	ZZZ
37207		A	Transcatheter stent	8.27	NA	3.17	1.07	NA	12.51	000
37208		A	Transcatheter stent add-on	4.12	NA	1.39	0.53	NA	6.04	ZZZ
37209		A	Exchange arterial catheter	2.27	NA	0.75	0.13	NA	3.15	000
37250		A	Iv us first vessel add-on	2.10	NA	0.75	0.21	NA	3.06	ZZZ
37251		A	Iv us each add vessel add-on	1.60	NA	0.55	0.17	NA	2.32	ZZZ
37500		A	Endoscopy ligate perf veins	10.98	NA	7.12	0.48	NA	18.58	090
37501		C	Vascular endoscopy procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
37565		A	Ligation of neck vein	10.86	NA	5.65	0.54	NA	17.05	090
37600		A	Ligation of neck artery	11.23	NA	6.67	0.48	NA	18.38	090
37605		A	Ligation of neck artery	13.09	NA	6.94	0.93	NA	20.96	090
37606		A	Ligation of neck artery	6.27	NA	4.59	0.95	NA	11.81	090
37607		A	Ligation of a-v fistula	6.15	NA	3.59	0.81	NA	10.55	090
37609		A	Temporal artery procedure	3.00	4.70	1.98	0.25	7.95	5.23	010
37615		A	Ligation of neck artery	5.72	NA	4.12	0.69	NA	10.53	090
37616		A	Ligation of chest artery	16.47	NA	8.15	2.33	NA	26.95	090
37617		A	Ligation of abdomen artery	22.03	NA	9.22	2.04	NA	33.29	090
37618		A	Ligation of extremity artery	4.83	NA	3.59	0.65	NA	9.07	090
37620		A	Revision of major vein	10.54	NA	5.72	0.90	NA	17.16	090
37650		A	Revision of major vein	7.79	NA	4.72	0.68	NA	13.19	090
37660		A	Revision of major vein	20.97	NA	9.10	1.41	NA	31.48	090
37700		A	Revise leg vein	3.72	NA	2.81	0.48	NA	7.01	090
37720		A	Removal of leg vein	5.65	NA	3.73	0.74	NA	10.12	090
37730		A	Removal of leg veins	7.32	NA	4.28	0.93	NA	12.53	090
37735		A	Removal of leg veins/lesion	10.51	NA	5.54	1.41	NA	17.46	090
37760		A	Ligation, leg veins, open	10.45	NA	5.38	1.34	NA	17.17	090
37765		A	Phleb veins - extrem - to 20	7.34	NA	4.55	0.48	NA	12.37	090
37766		A	Phleb veins - extrem 20+	9.29	NA	5.26	0.48	NA	15.03	090
37780		A	Revision of leg vein	3.83	NA	2.88	0.49	NA	7.20	090
37785		A	Ligate/divide/excise vein	3.83	5.14	2.64	0.49	9.46	6.96	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
37788		A	Revascularization, penis	21.98	NA	9.29	1.63	NA	32.90	090
37790		A	Penile venous occlusion	8.33	NA	4.53	0.76	NA	13.62	090
37799		C	Vascular surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38100		A	Removal of spleen, total	14.48	NA	6.23	1.57	NA	22.28	090
38101		A	Removal of spleen, partial	15.29	NA	6.58	1.66	NA	23.53	090
38102		A	Removal of spleen, total	4.79	NA	1.65	0.59	NA	7.03	ZZZ
38115		A	Repair of ruptured spleen	15.80	NA	6.70	1.69	NA	24.19	090
38120		A	Laparoscopy, splenectomy	16.97	NA	7.43	2.09	NA	26.49	090
38129		C	Laparoscope proc, spleen	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38200		A	Injection for spleen x-ray	2.64	NA	0.89	0.14	NA	3.67	000
38204		B	Bl donor search management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38205		R	Harvest allogenic stem cells	1.50	NA	0.67	0.06	NA	2.23	000
38206		R	Harvest auto stem cells	1.50	NA	0.67	0.06	NA	2.23	000
38207		I	Cryopreserve stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38208		I	Thaw preserved stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38209		I	Wash harvest stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38210		I	T-cell depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38211		I	Tumor cell deplete of harvst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38212		I	Rbc depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38213		I	Platelet deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38214		I	Volume deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38215		I	Harvest stem cell concentrte	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38220		A	Bone marrow aspiration	1.08	3.98	0.52	0.04	5.10	1.64	XXX
38221		A	Bone marrow biopsy	1.37	4.19	0.65	0.05	5.61	2.07	XXX
38230		R	Bone marrow collection	4.53	NA	3.08	0.30	NA	7.91	010
38240		R	Bone marrow/stem transplant	2.24	NA	1.03	0.10	NA	3.37	XXX
38241		R	Bone marrow/stem transplant	2.24	NA	1.04	0.10	NA	3.38	XXX
38242		A	Lymphocyte infuse transplant	1.71	NA	0.77	0.06	NA	2.54	000
38300		A	Drainage, lymph node lesion	1.99	4.42	2.07	0.18	6.59	4.24	010
38305		A	Drainage, lymph node lesion	5.99	5.98	4.38	0.43	12.40	10.80	090
38308		A	Incision of lymph channels	6.44	5.71	3.75	0.62	12.77	10.81	090
38380		A	Thoracic duct procedure	7.45	NA	5.71	0.82	NA	13.98	090
38381		A	Thoracic duct procedure	12.86	NA	6.94	1.91	NA	21.71	090
38382		A	Thoracic duct procedure	10.06	NA	5.83	1.30	NA	17.19	090
38500		A	Biopsy/removal, lymph nodes	3.74	3.78	2.10	0.34	7.86	6.18	010
38505		A	Needle biopsy, lymph nodes	1.14	2.13	0.78	0.11	3.38	2.03	000
38510		A	Biopsy/removal, lymph nodes	6.42	5.65	3.51	0.46	12.53	10.39	010
38520		A	Biopsy/removal, lymph nodes	6.66	NA	4.11	0.63	NA	11.40	090
38525		A	Biopsy/removal, lymph nodes	6.06	NA	3.36	0.58	NA	10.00	090
38530		A	Biopsy/removal, lymph nodes	7.97	NA	4.46	0.76	NA	13.19	090
38542		A	Explore deep node(s), neck	5.90	NA	4.51	0.60	NA	11.01	090
38550		A	Removal, neck/armpit lesion	6.91	NA	3.99	0.83	NA	11.73	090
38555		A	Removal, neck/armpit lesion	14.12	NA	8.62	1.76	NA	24.50	090
38562		A	Removal, pelvic lymph nodes	10.47	NA	5.83	1.17	NA	17.47	090
38564		A	Removal, abdomen lymph nodes	10.81	NA	5.30	1.28	NA	17.39	090
38570		A	Laparoscopy, lymph node biop	9.24	NA	3.94	1.07	NA	14.25	010
38571		A	Laparoscopy, lymphadenectomy	14.66	NA	5.60	0.96	NA	21.22	010
38572		A	Laparoscopy, lymphadenectomy	16.57	NA	7.04	1.59	NA	25.20	010
38589		C	Laparoscope proc, lymphatic	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38700		A	Removal of lymph nodes, neck	8.23	NA	8.09	0.72	NA	17.04	090
38720		A	Removal of lymph nodes, neck	13.59	NA	11.07	1.24	NA	25.90	090
38724		A	Removal of lymph nodes, neck	14.52	NA	11.57	1.33	NA	27.42	090
38740		A	Remove armpit lymph nodes	10.01	NA	5.01	0.83	NA	15.85	090
38745		A	Remove armpit lymph nodes	13.08	NA	6.19	1.09	NA	20.36	090
38746		A	Remove thoracic lymph nodes	4.88	NA	1.62	0.66	NA	7.16	ZZZ
38747		A	Remove abdominal lymph nodes	4.88	NA	1.68	0.60	NA	7.16	ZZZ
38760		A	Remove groin lymph nodes	12.93	NA	6.20	1.06	NA	20.19	090
38765		A	Remove groin lymph nodes	19.95	NA	8.92	1.81	NA	30.68	090
38770		A	Remove pelvis lymph nodes	13.21	NA	5.81	1.19	NA	20.21	090
38780		A	Remove abdomen lymph nodes	16.57	NA	8.27	1.93	NA	26.77	090
38790		A	Inject for lymphatic x-ray	1.29	11.24	0.79	0.11	12.64	2.19	000
38792		A	Identify sentinel node	0.52	NA	0.44	0.05	NA	1.01	000
38794		A	Access thoracic lymph duct	4.44	NA	3.40	0.21	NA	8.05	090
38999		C	Blood/lymph system procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39000		A	Exploration of chest	6.09	NA	4.70	0.88	NA	11.67	090
39010		A	Exploration of chest	11.77	NA	6.67	1.76	NA	20.20	090
39200		A	Removal chest lesion	13.60	NA	6.82	1.99	NA	22.41	090
39220		A	Removal chest lesion	17.39	NA	8.55	2.53	NA	28.47	090
39400		A	Visualization of chest	5.60	NA	4.87	0.83	NA	11.30	010
39499		C	Chest procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39501		A	Repair diaphragm laceration	13.17	NA	6.52	1.66	NA	21.35	090
39502		A	Repair paraesophageal hernia	16.31	NA	7.20	2.03	NA	25.54	090
39503		A	Repair of diaphragm hernia	94.86	NA	33.56	4.25	NA	132.67	090
39520		A	Repair of diaphragm hernia	16.08	NA	8.11	2.21	NA	26.40	090
39530		A	Repair of diaphragm hernia	15.39	NA	7.20	2.00	NA	24.59	090

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
39531		A	Repair of diaphragm hernia	16.40	NA	7.45	2.21	NA	26.06	090
39540		A	Repair of diaphragm hernia	13.30	NA	6.29	1.66	NA	21.25	090
39541		A	Repair of diaphragm hernia	14.39	NA	6.65	1.83	NA	22.87	090
39545		A	Revision of diaphragm	13.35	NA	7.62	1.87	NA	22.84	090
39560		A	Resect diaphragm, simple	11.98	NA	6.35	1.63	NA	19.96	090
39561		A	Resect diaphragm, complex	17.47	NA	9.40	2.38	NA	29.25	090
39599		C	Diaphragm surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
40490		A	Biopsy of lip	1.22	1.85	0.61	0.07	3.14	1.90	000
40500		A	Partial excision of lip	4.27	6.08	4.90	0.37	10.72	9.54	090
40510		A	Partial excision of lip	4.69	6.82	4.79	0.46	11.97	9.94	090
40520		A	Partial excision of lip	4.66	7.33	5.03	0.51	12.50	10.20	090
40525		A	Reconstruct lip with flap	7.54	NA	6.90	0.82	NA	15.26	090
40527		A	Reconstruct lip with flap	9.12	NA	7.85	0.99	NA	17.96	090
40530		A	Partial removal of lip	5.39	6.57	5.19	0.57	12.53	11.15	090
40650		A	Repair lip	3.63	5.55	3.80	0.37	9.55	7.80	090
40652		A	Repair lip	4.25	6.50	5.23	0.47	11.22	9.95	090
40654		A	Repair lip	5.30	7.16	5.96	0.58	13.04	11.84	090
40700		A	Repair cleft lip/nasal	12.77	NA	9.51	1.12	NA	23.40	090
40701		A	Repair cleft lip/nasal	15.83	NA	11.79	1.64	NA	29.26	090
40702		A	Repair cleft lip/nasal	13.02	NA	8.47	1.22	NA	22.71	090
40720		A	Repair cleft lip/nasal	13.53	NA	10.50	1.58	NA	25.61	090
40761		A	Repair cleft lip/nasal	14.70	NA	10.82	1.70	NA	27.22	090
40799		C	Lip surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
40800		A	Drainage of mouth lesion	1.17	2.21	1.14	0.11	3.49	2.42	010
40801		A	Drainage of mouth lesion	2.53	3.17	2.03	0.22	5.92	4.78	010
40804		A	Removal, foreign body, mouth	1.24	2.55	1.12	0.11	3.90	2.47	010
40805		A	Removal, foreign body, mouth	2.69	3.39	1.98	0.21	6.29	4.88	010
40806		A	Incision of lip fold	0.31	1.37	0.95	0.02	1.70	1.28	000
40808		A	Biopsy of mouth lesion	0.96	2.29	1.08	0.08	3.33	2.12	010
40810		A	Excision of mouth lesion	1.31	2.38	1.21	0.11	3.80	2.63	010
40812		A	Excise/repair mouth lesion	2.31	3.24	1.78	0.21	5.76	4.30	010
40814		A	Excise/repair mouth lesion	3.41	4.74	3.29	0.31	8.46	7.01	090
40816		A	Excision of mouth lesion	3.66	4.91	3.39	0.33	8.90	7.38	090
40818		A	Excise oral mucosa for graft	2.41	5.16	3.53	0.17	7.74	6.11	090
40819		A	Excise lip or cheek fold	2.41	4.38	2.92	0.21	7.00	5.54	090
40820		A	Treatment of mouth lesion	1.28	2.69	2.35	0.10	4.07	3.73	010
40830		A	Repair mouth laceration	1.76	3.07	2.51	0.17	5.00	4.44	010
40831		A	Repair mouth laceration	2.46	3.61	3.08	0.25	6.32	5.79	010
40840		R	Reconstruction of mouth	8.72	8.58	7.36	0.95	18.25	17.03	090
40842		R	Reconstruction of mouth	8.72	8.68	7.10	0.78	18.18	16.60	090
40843		R	Reconstruction of mouth	12.08	10.87	8.61	1.01	23.96	21.70	090
40844		R	Reconstruction of mouth	15.99	13.82	11.75	1.97	31.78	29.71	090
40845		R	Reconstruction of mouth	18.55	15.82	13.55	1.77	36.14	33.87	090
40899		C	Mouth surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
41000		A	Drainage of mouth lesion	1.30	2.47	1.40	0.11	3.88	2.81	010
41005		A	Drainage of mouth lesion	1.26	2.67	1.62	0.11	4.04	2.99	010
41006		A	Drainage of mouth lesion	3.24	4.38	3.44	0.30	7.92	6.98	090
41007		A	Drainage of mouth lesion	3.10	4.16	3.31	0.27	7.53	6.68	090
41008		A	Drainage of mouth lesion	3.36	4.53	3.49	0.29	8.18	7.14	090
41009		A	Drainage of mouth lesion	3.58	4.86	3.85	0.30	8.74	7.73	090
41010		A	Incision of tongue fold	1.06	3.46	3.46	0.07	4.59	4.59	010
41015		A	Drainage of mouth lesion	3.95	5.36	4.06	0.35	9.66	8.36	090
41016		A	Drainage of mouth lesion	4.06	5.45	4.07	0.34	9.85	8.47	090
41017		A	Drainage of mouth lesion	4.06	5.36	4.14	0.39	9.81	8.59	090
41018		A	Drainage of mouth lesion	5.09	5.80	4.25	0.42	11.31	9.76	090
41100		A	Biopsy of tongue	1.63	2.56	1.42	0.14	4.33	3.19	010
41105		A	Biopsy of tongue	1.42	2.46	1.31	0.12	4.00	2.85	010
41108		A	Biopsy of floor of mouth	1.05	2.20	1.12	0.10	3.35	2.27	010
41110		A	Excision of tongue lesion	1.51	2.52	1.33	0.13	4.16	2.97	010
41112		A	Excision of tongue lesion	2.73	4.25	2.71	0.24	7.22	5.68	090
41113		A	Excision of tongue lesion	3.19	4.60	2.98	0.28	8.07	6.45	090
41114		A	Excision of tongue lesion	8.46	8.75	6.31	0.77	17.98	15.54	090
41115		A	Excision of tongue fold	1.74	3.43	2.57	0.16	5.33	4.47	010
41116		A	Excision of mouth lesion	2.44	4.22	2.77	0.21	6.87	5.42	090
41120		A	Partial removal of tongue	9.76	NA	7.58	0.84	NA	18.18	090
41130		A	Partial removal of tongue	11.13	NA	8.36	0.98	NA	20.47	090
41135		A	Tongue and neck surgery	23.06	NA	14.83	2.00	NA	39.89	090
41140		A	Removal of tongue	25.46	NA	16.06	2.23	NA	43.75	090
41145		A	Tongue removal, neck surgery	30.01	NA	19.18	2.54	NA	51.73	090
41150		A	Tongue, mouth, jaw surgery	23.01	NA	15.49	2.01	NA	40.51	090
41153		A	Tongue, mouth, neck surgery	23.73	NA	15.96	2.06	NA	41.75	090
41155		A	Tongue, jaw, & neck surgery	27.68	NA	17.99	2.44	NA	48.11	090
41250		A	Repair tongue laceration	1.91	3.07	1.62	0.18	5.16	3.71	010
41251		A	Repair tongue laceration	2.27	3.58	1.93	0.22	6.07	4.42	010
41252		A	Repair tongue laceration	2.97	4.16	2.28	0.28	7.41	5.53	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
41500		A	Fixation of tongue	3.70	NA	3.63	0.31	NA	7.64	090
41510		A	Tongue to lip surgery	3.41	NA	3.10	0.29	NA	6.80	090
41520		A	Reconstruction, tongue fold	2.73	4.07	3.22	0.23	7.03	6.18	090
41599		C	Tongue and mouth surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
41800		A	Drainage of gum lesion	1.17	2.66	1.44	0.11	3.94	2.72	010
41805		A	Removal foreign body, gum	1.24	2.73	2.33	0.11	4.08	3.68	010
41806		A	Removal foreign body,jawbone	2.69	3.62	3.14	0.27	6.58	6.10	010
41820		R	Excision, gum, each quadrant	0.00	0.00	0.00	0.00	0.00	0.00	000
41821		R	Excision of gum flap	0.00	0.00	0.00	0.00	0.00	0.00	000
41822		R	Excision of gum lesion	2.31	4.09	1.33	0.29	6.69	3.93	010
41823		R	Excision of gum lesion	3.30	5.82	4.10	0.35	9.47	7.75	090
41825		A	Excision of gum lesion	1.31	3.27	2.35	0.12	4.70	3.78	010
41826		A	Excision of gum lesion	2.31	3.85	2.89	0.21	6.37	5.41	010
41827		A	Excision of gum lesion	3.41	5.61	3.84	0.30	9.32	7.55	090
41828		R	Excision of gum lesion	3.09	4.38	3.35	0.27	7.74	6.71	010
41830		R	Removal of gum tissue	3.34	4.91	3.57	0.28	8.53	7.19	010
41850		R	Treatment of gum lesion	0.00	0.00	0.00	0.00	0.00	0.00	000
41870		R	Gum graft	0.00	0.00	0.00	0.00	0.00	0.00	000
41872		R	Repair gum	2.59	4.63	3.53	0.22	7.44	6.34	090
41874		R	Repair tooth socket	3.09	4.68	3.29	0.28	8.05	6.66	090
41899		C	Dental surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42000		A	Drainage mouth roof lesion	1.23	2.72	1.25	0.12	4.07	2.60	010
42100		A	Biopsy roof of mouth	1.31	2.27	1.36	0.12	3.70	2.79	010
42104		A	Excision lesion, mouth roof	1.64	2.76	1.55	0.14	4.54	3.33	010
42106		A	Excision lesion, mouth roof	2.10	3.72	2.81	0.19	6.01	5.10	010
42107		A	Excision lesion, mouth roof	4.43	6.07	4.18	0.39	10.89	9.00	090
42120		A	Remove palate/lesion	6.16	NA	5.56	0.53	NA	12.25	090
42140		A	Excision of uvula	1.62	2.48	2.37	0.14	4.24	4.13	090
42145		A	Repair palate, pharynx/uvula	8.04	NA	6.61	0.68	NA	15.33	090
42160		A	Treatment mouth roof lesion	1.80	3.59	2.65	0.16	5.55	4.61	010
42180		A	Repair palate	2.50	3.38	2.12	0.23	6.11	4.85	010
42182		A	Repair palate	3.82	4.23	3.06	0.33	8.38	7.21	010
42200		A	Reconstruct cleft palate	11.98	NA	9.01	1.17	NA	22.16	090
42205		A	Reconstruct cleft palate	13.27	NA	9.35	0.99	NA	23.61	090
42210		A	Reconstruct cleft palate	14.48	NA	10.52	1.50	NA	26.50	090
42215		A	Reconstruct cleft palate	8.81	NA	7.55	1.16	NA	17.52	090
42220		A	Reconstruct cleft palate	7.01	NA	5.64	0.49	NA	13.14	090
42225		A	Reconstruct cleft palate	9.53	NA	7.66	0.90	NA	18.09	090
42226		A	Lengthening of palate	9.99	NA	7.88	0.88	NA	18.75	090
42227		A	Lengthening of palate	9.51	NA	7.34	0.84	NA	17.69	090
42235		A	Repair palate	7.86	NA	5.35	0.59	NA	13.80	090
42260		A	Repair nose to lip fistula	9.79	9.23	7.44	1.03	20.05	18.26	090
42280		A	Preparation, palate mold	1.54	2.00	0.88	0.14	3.68	2.56	010
42281		A	Insertion, palate prosthesis	1.93	2.92	1.88	0.17	5.02	3.98	010
42299		C	Palate/uvula surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42300		A	Drainage of salivary gland	1.93	2.95	1.83	0.18	5.06	3.94	010
42305		A	Drainage of salivary gland	6.06	NA	4.95	0.55	NA	11.56	090
42310		A	Drainage of salivary gland	1.56	2.34	1.54	0.13	4.03	3.23	010
42320		A	Drainage of salivary gland	2.35	3.52	2.11	0.21	6.08	4.67	010
42325		A	Create salivary cyst drain	2.75	3.54	2.23	0.21	6.50	5.19	090
42326		A	Create salivary cyst drain	3.77	4.54	3.10	0.41	8.72	7.28	090
42330		A	Removal of salivary stone	2.21	3.30	1.86	0.19	5.70	4.26	010
42335		A	Removal of salivary stone	3.31	3.90	3.36	0.28	7.49	6.95	090
42340		A	Removal of salivary stone	4.59	5.14	4.27	0.41	10.14	9.27	090
42400		A	Biopsy of salivary gland	0.78	1.75	0.72	0.07	2.60	1.57	000
42405		A	Biopsy of salivary gland	3.29	4.17	2.48	0.29	7.75	6.06	010
42408		A	Excision of salivary cyst	4.53	5.05	4.06	0.41	9.99	9.00	090
42409		A	Drainage of salivary cyst	2.81	3.55	3.09	0.24	6.60	6.14	090
42410		A	Excise parotid gland/lesion	9.33	NA	6.64	0.93	NA	16.90	090
42415		A	Excise parotid gland/lesion	16.86	NA	11.26	1.52	NA	29.64	090
42420		A	Excise parotid gland/lesion	19.56	NA	12.77	1.75	NA	34.08	090
42425		A	Excise parotid gland/lesion	13.00	NA	9.07	1.18	NA	23.25	090
42426		A	Excise parotid gland/lesion	21.23	NA	13.43	1.89	NA	36.55	090
42440		A	Excise submaxillary gland	6.96	NA	5.06	0.62	NA	12.64	090
42450		A	Excise sublingual gland	4.61	5.66	4.24	0.41	10.68	9.26	090
42500		A	Repair salivary duct	4.29	5.46	4.18	0.36	10.11	8.83	090
42505		A	Repair salivary duct	6.17	6.90	5.36	0.53	13.60	12.06	090
42507		A	Parotid duct diversion	6.10	NA	5.20	0.80	NA	12.10	090
42508		A	Parotid duct diversion	9.09	NA	7.02	0.77	NA	16.88	090
42509		A	Parotid duct diversion	11.52	NA	8.42	1.50	NA	21.44	090
42510		A	Parotid duct diversion	8.14	NA	6.11	0.69	NA	14.94	090
42550		A	Injection for salivary x-ray	1.25	13.05	0.41	0.07	14.37	1.73	000
42600		A	Closure of salivary fistula	4.81	5.83	4.52	0.41	11.05	9.74	090
42650		A	Dilation of salivary duct	0.77	1.17	0.71	0.07	2.01	1.55	000
42660		A	Dilation of salivary duct	1.13	1.48	0.84	0.08	2.69	2.05	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
42665		A	Ligation of salivary duct	2.53	3.56	2.96	0.21	6.30	5.70	090
42699		C	Salivary surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42700		A	Drainage of tonsil abscess	1.62	2.74	1.73	0.14	4.50	3.49	010
42720		A	Drainage of throat abscess	5.41	5.04	3.82	0.47	10.92	9.70	010
42725		A	Drainage of throat abscess	10.70	NA	8.00	0.96	NA	19.66	090
42800		A	Biopsy of throat	1.39	2.23	1.40	0.12	3.74	2.91	010
42802		A	Biopsy of throat	1.54	4.38	1.94	0.13	6.05	3.61	010
42804		A	Biopsy of upper nose/throat	1.24	3.97	1.79	0.11	5.32	3.14	010
42806		A	Biopsy of upper nose/throat	1.58	4.11	1.92	0.14	5.83	3.64	010
42808		A	Excise pharynx lesion	2.30	3.17	1.93	0.21	5.68	4.44	010
42809		A	Remove pharynx foreign body	1.81	2.36	1.36	0.16	4.33	3.33	010
42810		A	Excision of neck cyst	3.25	4.84	3.37	0.30	8.39	6.92	090
42815		A	Excision of neck cyst	7.06	NA	5.42	0.64	NA	13.12	090
42820		A	Remove tonsils and adenoids	3.90	NA	3.47	0.34	NA	7.71	090
42821		A	Remove tonsils and adenoids	4.28	NA	3.68	0.36	NA	8.32	090
42825		A	Removal of tonsils	3.41	NA	3.32	0.29	NA	7.02	090
42826		A	Removal of tonsils	3.37	NA	3.21	0.28	NA	6.86	090
42830		A	Removal of adenoids	2.57	NA	2.62	0.22	NA	5.41	090
42831		A	Removal of adenoids	2.71	NA	2.86	0.23	NA	5.80	090
42835		A	Removal of adenoids	2.30	NA	2.62	0.21	NA	5.13	090
42836		A	Removal of adenoids	3.18	NA	3.14	0.27	NA	6.59	090
42842		A	Extensive surgery of throat	8.75	NA	6.74	0.74	NA	16.23	090
42844		A	Extensive surgery of throat	14.29	NA	10.03	1.25	NA	25.57	090
42845		A	Extensive surgery of throat	24.25	NA	16.11	2.12	NA	42.48	090
42860		A	Excision of tonsil tags	2.22	NA	2.58	0.19	NA	4.99	090
42870		A	Excision of lingual tonsil	5.39	NA	4.79	0.46	NA	10.64	090
42890		A	Partial removal of pharynx	12.92	NA	9.34	1.10	NA	23.36	090
42892		A	Revision of pharyngeal walls	15.81	NA	10.89	1.37	NA	28.07	090
42894		A	Revision of pharyngeal walls	22.85	NA	15.07	1.98	NA	39.90	090
42900		A	Repair throat wound	5.24	NA	3.70	0.47	NA	9.41	010
42950		A	Reconstruction of throat	8.09	NA	6.60	0.70	NA	15.39	090
42953		A	Repair throat, esophagus	8.95	NA	7.53	0.88	NA	17.36	090
42955		A	Surgical opening of throat	7.38	NA	5.58	0.76	NA	13.72	090
42960		A	Control throat bleeding	2.33	NA	2.00	0.21	NA	4.54	010
42961		A	Control throat bleeding	5.58	NA	4.85	0.48	NA	10.91	090
42962		A	Control throat bleeding	7.13	NA	5.73	0.62	NA	13.48	090
42970		A	Control nose/throat bleeding	5.42	NA	3.61	0.45	NA	9.48	090
42971		A	Control nose/throat bleeding	6.20	NA	4.97	0.54	NA	11.71	090
42972		A	Control nose/throat bleeding	7.19	NA	5.47	0.65	NA	13.31	090
42999		C	Throat surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43020		A	Incision of esophagus	8.08	NA	5.70	0.84	NA	14.62	090
43030		A	Throat muscle surgery	7.68	NA	5.82	0.72	NA	14.22	090
43045		A	Incision of esophagus	20.09	NA	10.76	2.59	NA	33.44	090
43100		A	Excision of esophagus lesion	9.18	NA	6.27	0.95	NA	16.40	090
43101		A	Excision of esophagus lesion	16.22	NA	7.94	2.18	NA	26.34	090
43107		A	Removal of esophagus	39.94	NA	17.14	3.97	NA	61.05	090
43108		A	Removal of esophagus	34.14	NA	14.30	4.56	NA	53.00	090
43112		A	Removal of esophagus	43.43	NA	18.24	4.43	NA	66.10	090
43113		A	Removal of esophagus	35.22	NA	15.20	5.22	NA	55.64	090
43116		A	Partial removal of esophagus	31.17	NA	16.81	3.16	NA	51.14	090
43117		A	Partial removal of esophagus	39.94	NA	16.38	4.23	NA	60.55	090
43118		A	Partial removal of esophagus	33.15	NA	13.87	4.29	NA	51.31	090
43121		A	Partial removal of esophagus	29.15	NA	12.75	4.15	NA	46.05	090
43122		A	Partial removal of esophagus	39.94	NA	16.49	3.94	NA	60.37	090
43123		A	Partial removal of esophagus	33.15	NA	14.18	4.78	NA	52.11	090
43124		A	Removal of esophagus	27.28	NA	13.16	3.56	NA	44.00	090
43130		A	Removal of esophagus pouch	11.73	NA	7.62	1.28	NA	20.63	090
43135		A	Removal of esophagus pouch	16.08	NA	8.16	2.23	NA	26.47	090
43200		A	Esophagus endoscopy	1.59	4.01	1.10	0.13	5.73	2.82	000
43201		A	Esoph scope w/submucous inj	2.09	4.70	1.27	0.14	6.93	3.50	000
43202		A	Esophagus endoscopy, biopsy	1.89	5.38	0.96	0.14	7.41	2.99	000
43204		A	Esoph scope w/sclerosis inj	3.76	NA	1.54	0.22	NA	5.52	000
43205		A	Esophagus endoscopy/ligation	3.78	NA	1.55	0.21	NA	5.54	000
43215		A	Esophagus endoscopy	2.60	NA	1.22	0.21	NA	4.03	000
43216		A	Esophagus endoscopy/lesion	2.40	NA	1.18	0.18	NA	3.76	000
43217		A	Esophagus endoscopy	2.90	6.79	1.21	0.21	9.90	4.32	000
43219		A	Esophagus endoscopy	2.80	NA	1.37	0.19	NA	4.36	000
43220		A	Esoph endoscopy, dilation	2.10	NA	0.99	0.14	NA	3.23	000
43226		A	Esoph endoscopy, dilation	2.34	NA	1.06	0.14	NA	3.54	000
43227		A	Esoph endoscopy, repair	3.59	NA	1.47	0.22	NA	5.28	000
43228		A	Esoph endoscopy, ablation	3.76	NA	1.58	0.30	NA	5.64	000
43231		A	Esoph endoscopy w/us exam	3.19	NA	1.33	0.24	NA	4.76	000
43232		A	Esoph endoscopy w/us fn bx	4.47	NA	1.84	0.31	NA	6.62	000
43234		A	Upper GI endoscopy, exam	2.01	5.21	0.90	0.16	7.38	3.07	000
43235		A	Uppr gi endoscopy, diagnosis	2.39	5.04	1.07	0.16	7.59	3.62	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
43236		A	Uppr gi scope w/submuc inj	2.92	6.32	1.26	0.17	9.41	4.35	000
43237		A	Endoscopic us exam, esoph	3.98	NA	1.61	0.27	NA	5.86	000
43238		A	Uppr gi endoscopy w/us fn bx	5.02	NA	1.97	0.27	NA	7.26	000
43239		A	Upper GI endoscopy, biopsy	2.87	5.58	1.23	0.17	8.62	4.27	000
43240		A	Esoph endoscope w/drain cyst	6.85	NA	2.65	0.43	NA	9.93	000
43241		A	Upper GI endoscopy with tube	2.59	NA	1.14	0.17	NA	3.90	000
43242		A	Uppr gi endoscopy w/us fn bx	7.30	NA	2.78	0.35	NA	10.43	000
43243		A	Upper gi endoscopy & inject	4.56	NA	1.84	0.25	NA	6.65	000
43244		A	Upper GI endoscopy/ligation	5.04	NA	2.01	0.25	NA	7.30	000
43245		A	Uppr gi scope dilate strictr	3.18	NA	1.34	0.22	NA	4.74	000
43246		A	Place gastrostomy tube	4.32	NA	1.74	0.29	NA	6.35	000
43247		A	Operative upper GI endoscopy	3.38	NA	1.42	0.21	NA	5.01	000
43248		A	Uppr gi endoscopy/guide wire	3.15	NA	1.35	0.18	NA	4.68	000
43249		A	Esoph endoscopy, dilation	2.90	NA	1.25	0.18	NA	4.33	000
43250		A	Upper GI endoscopy/tumor	3.20	NA	1.35	0.21	NA	4.76	000
43251		A	Operative upper GI endoscopy	3.69	NA	1.53	0.23	NA	5.45	000
43255		A	Operative upper GI endoscopy	4.81	NA	1.92	0.24	NA	6.97	000
43256		A	Uppr gi endoscopy w stent	4.34	NA	1.77	0.28	NA	6.39	000
43258		A	Operative upper GI endoscopy	4.54	NA	1.84	0.27	NA	6.65	000
43259		A	Endoscopic ultrasound exam	5.19	NA	2.04	0.27	NA	7.50	000
43260		A	Endo cholangiopancreatograph	5.95	NA	2.31	0.33	NA	8.59	000
43261		A	Endo cholangiopancreatograph	6.26	NA	2.42	0.35	NA	9.03	000
43262		A	Endo cholangiopancreatograph	7.38	NA	2.81	0.41	NA	10.60	000
43263		A	Endo cholangiopancreatograph	7.28	NA	2.78	0.34	NA	10.40	000
43264		A	Endo cholangiopancreatograph	8.89	NA	3.35	0.49	NA	12.73	000
43265		A	Endo cholangiopancreatograph	10.00	NA	3.73	0.51	NA	14.24	000
43267		A	Endo cholangiopancreatograph	7.38	NA	2.80	0.41	NA	10.59	000
43268		A	Endo cholangiopancreatograph	7.38	NA	2.90	0.41	NA	10.69	000
43269		A	Endo cholangiopancreatograph	8.20	NA	3.10	0.34	NA	11.64	000
43271		A	Endo cholangiopancreatograph	7.38	NA	2.80	0.41	NA	10.59	000
43272		A	Endo cholangiopancreatograph	7.38	NA	2.81	0.41	NA	10.60	000
43280		A	Laparoscopy, fundoplasty	17.22	NA	7.33	2.12	NA	26.67	090
43289		C	Laparoscope proc, esoph	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43300		A	Repair of esophagus	9.13	NA	6.51	1.03	NA	16.67	090
43305		A	Repair esophagus and fistula	17.36	NA	10.78	1.64	NA	29.78	090
43310		A	Repair of esophagus	25.35	NA	11.15	3.84	NA	40.34	090
43312		A	Repair esophagus and fistula	28.38	NA	12.00	4.08	NA	44.46	090
43313		A	Esophagoplasty congenital	45.21	NA	20.15	6.55	NA	71.91	090
43314		A	Tracheo-esophagoplasty cong	50.19	NA	22.05	6.67	NA	78.91	090
43320		A	Fuse esophagus & stomach	19.90	NA	9.27	1.92	NA	31.09	090
43324		A	Revise esophagus & stomach	20.54	NA	8.82	2.07	NA	31.43	090
43325		A	Revise esophagus & stomach	20.03	NA	8.84	1.99	NA	30.86	090
43326		A	Revise esophagus & stomach	19.71	NA	9.34	2.22	NA	31.27	090
43330		A	Repair of esophagus	19.74	NA	8.59	1.83	NA	30.16	090
43331		A	Repair of esophagus	20.10	NA	9.83	2.33	NA	32.26	090
43340		A	Fuse esophagus & intestine	19.58	NA	9.03	1.85	NA	30.46	090
43341		A	Fuse esophagus & intestine	20.82	NA	10.06	2.58	NA	33.46	090
43350		A	Surgical opening, esophagus	15.76	NA	8.50	1.39	NA	25.65	090
43351		A	Surgical opening, esophagus	18.32	NA	9.85	1.82	NA	29.99	090
43352		A	Surgical opening, esophagus	15.24	NA	8.45	1.54	NA	25.23	090
43360		A	Gastrointestinal repair	35.65	NA	15.15	3.62	NA	54.42	090
43361		A	Gastrointestinal repair	40.44	NA	16.98	4.25	NA	61.67	090
43400		A	Ligate esophagus veins	21.17	NA	9.43	1.19	NA	31.79	090
43401		A	Esophagus surgery for veins	22.06	NA	9.56	2.09	NA	33.71	090
43405		A	Ligate/staple esophagus	19.98	NA	9.62	1.97	NA	31.57	090
43410		A	Repair esophagus wound	13.45	NA	7.69	1.39	NA	22.53	090
43415		A	Repair esophagus wound	24.96	NA	11.80	2.32	NA	39.08	090
43420		A	Repair esophagus opening	14.33	NA	7.48	1.04	NA	22.85	090
43425		A	Repair esophagus opening	21.00	NA	10.03	2.45	NA	33.48	090
43450		A	Dilate esophagus	1.38	2.52	0.73	0.08	3.98	2.19	000
43453		A	Dilate esophagus	1.51	5.95	0.78	0.10	7.56	2.39	000
43456		A	Dilate esophagus	2.57	13.75	1.15	0.17	16.49	3.89	000
43458		A	Dilate esophagus	3.06	6.55	1.33	0.21	9.82	4.60	000
43460		A	Pressure treatment esophagus	3.79	NA	1.49	0.25	NA	5.53	000
43496		C	Free jejunum flap, microvasc	0.00	0.00	0.00	0.00	0.00	0.00	090
43499		C	Esophagus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43500		A	Surgical opening of stomach	11.03	NA	5.00	1.01	NA	17.04	090
43501		A	Surgical repair of stomach	20.01	NA	8.36	1.87	NA	30.24	090
43502		A	Surgical repair of stomach	23.10	NA	9.51	2.21	NA	34.82	090
43510		A	Surgical opening of stomach	13.06	NA	6.59	1.09	NA	20.74	090
43520		A	Incision of pyloric muscle	9.98	NA	5.30	1.01	NA	16.29	090
43600		A	Biopsy of stomach	1.91	NA	1.03	0.13	NA	3.07	000
43605		A	Biopsy of stomach	11.96	NA	5.32	1.12	NA	18.40	090
43610		A	Excision of stomach lesion	14.58	NA	6.20	1.37	NA	22.15	090
43611		A	Excision of stomach lesion	17.81	NA	7.61	1.66	NA	27.08	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
43620		A	Removal of stomach	29.99	NA	11.87	2.76	NA	44.62	090
43621		A	Removal of stomach	30.68	NA	12.06	2.85	NA	45.59	090
43622		A	Removal of stomach	32.48	NA	12.66	2.99	NA	48.13	090
43631		A	Removal of stomach, partial	22.56	NA	9.21	2.40	NA	34.17	090
43632		A	Removal of stomach, partial	22.56	NA	9.21	2.41	NA	34.18	090
43633		A	Removal of stomach, partial	23.07	NA	9.37	2.47	NA	34.91	090
43634		A	Removal of stomach, partial	25.08	NA	10.14	2.63	NA	37.85	090
43635		A	Removal of stomach, partial	2.06	NA	0.70	0.25	NA	3.01	ZZZ
43638		A	Removal of stomach, partial	28.96	NA	11.94	2.70	NA	43.60	090
43639		A	Removal of stomach, partial	29.61	NA	11.74	2.79	NA	44.14	090
43640		A	Vagotomy & pylorus repair	16.99	NA	7.30	1.82	NA	26.11	090
43641		A	Vagotomy & pylorus repair	17.24	NA	7.41	1.85	NA	26.50	090
43651		A	Laparoscopy, vagus nerve	10.13	NA	4.80	1.24	NA	16.17	090
43652		A	Laparoscopy, vagus nerve	12.13	NA	5.40	1.51	NA	19.04	090
43653		A	Laparoscopy, gastrostomy	7.72	NA	4.22	0.94	NA	12.88	090
43659		C	Laparoscope proc, stom	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43750		A	Place gastrostomy tube	4.48	NA	2.72	0.40	NA	7.60	010
43752		A	Nasal/orogastric w/stent	0.68	0.26	0.26	0.02	0.96	0.96	000
43760		A	Change gastrostomy tube	1.10	1.65	0.45	0.08	2.83	1.63	000
43761		A	Reposition gastrostomy tube	2.01	NA	0.79	0.12	NA	2.92	000
43800		A	Reconstruction of pylorus	13.67	NA	5.94	1.29	NA	20.90	090
43810		A	Fusion of stomach and bowel	14.63	NA	6.23	1.33	NA	22.19	090
43820		A	Fusion of stomach and bowel	15.35	NA	6.45	1.42	NA	23.22	090
43825		A	Fusion of stomach and bowel	19.19	NA	8.06	1.81	NA	29.06	090
43830		A	Place gastrostomy tube	9.52	NA	4.88	0.83	NA	15.23	090
43831		A	Place gastrostomy tube	7.83	NA	4.54	0.98	NA	13.35	090
43832		A	Place gastrostomy tube	15.58	NA	6.90	1.36	NA	23.84	090
43840		A	Repair of stomach lesion	15.54	NA	6.81	1.45	NA	23.80	090
43842		A	Gastroplasty for obesity	18.44	NA	8.15	1.82	NA	28.41	090
43843		A	Gastroplasty for obesity	18.62	NA	8.12	1.85	NA	28.59	090
43846		A	Gastric bypass for obesity	24.01	NA	10.37	2.36	NA	36.74	090
43847		A	Gastric bypass for obesity	26.88	NA	11.32	2.58	NA	40.78	090
43848		A	Revision gastroplasty	29.35	NA	12.25	2.88	NA	44.48	090
43850		A	Revise stomach-bowel fusion	24.68	NA	9.87	2.38	NA	36.93	090
43855		A	Revise stomach-bowel fusion	26.12	NA	10.38	2.42	NA	38.92	090
43860		A	Revise stomach-bowel fusion	24.96	NA	10.03	2.45	NA	37.44	090
43865		A	Revise stomach-bowel fusion	26.48	NA	10.56	2.59	NA	39.63	090
43870		A	Repair stomach opening	9.68	NA	4.55	0.86	NA	15.09	090
43880		A	Repair stomach-bowel fistula	24.61	NA	9.97	2.34	NA	36.92	090
43999		C	Stomach surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44005		A	Freeing of bowel adhesion	16.21	NA	6.77	1.68	NA	24.66	090
44010		A	Incision of small bowel	12.50	NA	5.50	1.27	NA	19.27	090
44015		A	Insert needle cath bowel	2.62	NA	0.89	0.30	NA	3.81	ZZZ
44020		A	Explore small intestine	13.97	NA	5.98	1.45	NA	21.40	090
44021		A	Decompress small bowel	14.06	NA	6.02	1.42	NA	21.50	090
44025		A	Incision of large bowel	14.26	NA	6.07	1.46	NA	21.79	090
44050		A	Reduce bowel obstruction	14.01	NA	6.00	1.39	NA	21.40	090
44055		A	Correct malrotation of bowel	21.97	NA	8.78	1.59	NA	32.34	090
44100		A	Biopsy of bowel	2.01	NA	1.10	0.14	NA	3.25	000
44110		A	Excise intestine lesion(s)	11.79	NA	5.27	1.21	NA	18.27	090
44111		A	Excision of bowel lesion(s)	14.27	NA	6.17	1.47	NA	21.91	090
44120		A	Removal of small intestine	16.97	NA	7.12	1.76	NA	25.85	090
44121		A	Removal of small intestine	4.44	NA	1.53	0.55	NA	6.52	ZZZ
44125		A	Removal of small intestine	17.51	NA	7.31	1.80	NA	26.62	090
44126		A	Enterectomy w/o taper, cong	35.45	NA	14.16	0.43	NA	50.04	090
44127		A	Enterectomy w/taper, cong	40.94	NA	15.79	0.49	NA	57.22	090
44128		A	Enterectomy cong, add-on	4.44	NA	1.54	0.54	NA	6.52	ZZZ
44130		A	Bowel to bowel fusion	14.47	NA	6.26	1.48	NA	22.21	090
44132		R	Enterectomy, cadaver donor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44133		R	Enterectomy, live donor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44135		R	Intestine transplnt, cadaver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44136		R	Intestine transplant, live	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44139		A	Mobilization of colon	2.23	NA	0.76	0.25	NA	3.24	ZZZ
44140		A	Partial removal of colon	20.97	NA	8.69	2.58	NA	32.24	090
44141		A	Partial removal of colon	19.48	NA	10.15	2.35	NA	31.98	090
44143		A	Partial removal of colon	22.96	NA	10.80	2.44	NA	36.20	090
44144		A	Partial removal of colon	21.50	NA	9.69	2.28	NA	33.47	090
44145		A	Partial removal of colon	26.38	NA	10.87	2.68	NA	39.93	090
44146		A	Partial removal of colon	27.50	NA	12.98	2.65	NA	43.13	090
44147		A	Partial removal of colon	20.68	NA	8.74	2.10	NA	31.52	090
44150		A	Removal of colon	23.91	NA	12.16	2.47	NA	38.54	090
44151		A	Removal of colon/ileostomy	26.84	NA	13.54	2.38	NA	42.76	090
44152		A	Removal of colon/ileostomy	27.79	NA	11.68	2.85	NA	42.32	090
44153		A	Removal of colon/ileostomy	30.54	NA	14.56	2.81	NA	47.91	090
44155		A	Removal of colon/ileostomy	27.82	NA	13.44	2.73	NA	43.99	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
44156		A	Removal of colon/ileostomy	30.74	NA	15.20	2.64	NA	48.58	090
44160		A	Removal of colon	18.59	NA	7.80	2.24	NA	28.63	090
44200		A	Laparoscopy, enterolysis	14.42	NA	6.23	1.76	NA	22.41	090
44201		A	Laparoscopy, jejunostomy	9.77	NA	4.70	1.17	NA	15.64	090
44202		A	Lap resect s/intestine singl	22.01	NA	8.98	2.61	NA	33.60	090
44203		A	Lap resect s/intestine, addl	4.44	NA	1.50	0.55	NA	6.49	ZZZ
44204		A	Laparo partial colectomy	25.04	NA	10.00	3.08	NA	38.12	090
44205		A	Lap colectomy part w/ileum	22.20	NA	8.88	2.69	NA	33.77	090
44206		A	Lap part colectomy w/stoma	26.96	NA	11.37	2.44	NA	40.77	090
44207		A	L colectomy/coloproctostomy	29.96	NA	11.59	2.68	NA	44.23	090
44208		A	L colectomy/coloproctostomy	31.95	NA	13.27	2.65	NA	47.87	090
44210		A	Laparo total proctocolectomy	27.96	NA	12.03	2.47	NA	42.46	090
44211		A	Laparo total proctocolectomy	34.95	NA	14.74	2.81	NA	52.50	090
44212		A	Laparo total proctocolectomy	32.45	NA	13.88	2.73	NA	49.06	090
44238		C	Laparoscope proc, intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44239		C	Laparoscope proc, rectum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44300		A	Open bowel to skin	12.09	NA	5.53	1.06	NA	18.68	090
44310		A	Ileostomy/jejunostomy	15.93	NA	6.73	1.36	NA	24.02	090
44312		A	Revision of ileostomy	8.01	NA	4.03	0.65	NA	12.69	090
44314		A	Revision of ileostomy	15.03	NA	6.60	1.19	NA	22.82	090
44316		A	Devise bowel pouch	21.06	NA	8.60	1.70	NA	31.36	090
44320		A	Colostomy	17.61	NA	7.71	1.54	NA	26.86	090
44322		A	Colostomy with biopsies	11.96	NA	8.70	1.42	NA	22.08	090
44340		A	Revision of colostomy	7.71	NA	4.31	0.68	NA	12.70	090
44345		A	Revision of colostomy	15.41	NA	6.93	1.34	NA	23.68	090
44346		A	Revision of colostomy	16.96	NA	7.43	1.45	NA	25.84	090
44360		A	Small bowel endoscopy	2.59	NA	1.12	0.17	NA	3.88	000
44361		A	Small bowel endoscopy/biopsy	2.87	NA	1.21	0.18	NA	4.26	000
44363		A	Small bowel endoscopy	3.49	NA	1.40	0.23	NA	5.12	000
44364		A	Small bowel endoscopy	3.73	NA	1.52	0.25	NA	5.50	000
44365		A	Small bowel endoscopy	3.31	NA	1.38	0.22	NA	4.91	000
44366		A	Small bowel endoscopy	4.40	NA	1.76	0.27	NA	6.43	000
44369		A	Small bowel endoscopy	4.51	NA	1.76	0.28	NA	6.55	000
44370		A	Small bowel endoscopy/stent	4.79	NA	1.99	0.25	NA	7.03	000
44372		A	Small bowel endoscopy	4.40	NA	1.75	0.33	NA	6.48	000
44373		A	Small bowel endoscopy	3.49	NA	1.45	0.23	NA	5.17	000
44376		A	Small bowel endoscopy	5.25	NA	2.04	0.35	NA	7.64	000
44377		A	Small bowel endoscopy/biopsy	5.52	NA	2.15	0.34	NA	8.01	000
44378		A	Small bowel endoscopy	7.12	NA	2.71	0.45	NA	10.28	000
44379		A	S bowel endoscope w/stent	7.46	NA	2.93	0.46	NA	10.85	000
44380		A	Small bowel endoscopy	1.05	NA	0.56	0.10	NA	1.71	000
44382		A	Small bowel endoscopy	1.27	NA	0.65	0.11	NA	2.03	000
44383		A	Ileoscopy w/stent	2.94	NA	1.28	0.16	NA	4.38	000
44385		A	Endoscopy of bowel pouch	1.82	4.98	0.96	0.14	6.94	2.92	000
44386		A	Endoscopy, bowel pouch/biop	2.12	6.51	1.12	0.18	8.81	3.42	000
44388		A	Colonoscopy	2.82	5.14	1.16	0.22	8.18	4.20	000
44389		A	Colonoscopy with biopsy	3.13	6.49	1.28	0.22	9.84	4.63	000
44390		A	Colonoscopy for foreign body	3.82	6.76	1.51	0.27	10.85	5.60	000
44391		A	Colonoscopy for bleeding	4.31	8.61	1.72	0.28	13.20	6.31	000
44392		A	Colonoscopy & polypectomy	3.81	6.53	1.52	0.28	10.62	5.61	000
44393		A	Colonoscopy, lesion removal	4.83	6.90	1.88	0.33	12.06	7.04	000
44394		A	Colonoscopy w/snare	4.42	7.75	1.75	0.31	12.48	6.48	000
44397		A	Colonoscopy w/stent	4.70	NA	2.06	0.34	NA	7.10	000
44500		A	Intro, gastrointestinal tube	0.49	NA	0.36	0.02	NA	0.87	000
44602		A	Suture, small intestine	16.01	NA	6.42	1.29	NA	23.72	090
44603		A	Suture, small intestine	18.63	NA	7.31	1.68	NA	27.62	090
44604		A	Suture, large intestine	16.01	NA	6.49	1.71	NA	24.21	090
44605		A	Repair of bowel lesion	19.50	NA	8.46	1.86	NA	29.82	090
44615		A	Intestinal stricturoplasty	15.91	NA	6.72	1.68	NA	24.31	090
44620		A	Repair bowel opening	12.18	NA	5.36	1.27	NA	18.81	090
44625		A	Repair bowel opening	15.03	NA	6.35	1.57	NA	22.95	090
44626		A	Repair bowel opening	25.32	NA	9.87	3.05	NA	38.24	090
44640		A	Repair bowel-skin fistula	21.62	NA	8.62	1.76	NA	32.00	090
44650		A	Repair bowel fistula	22.54	NA	8.93	1.80	NA	33.27	090
44660		A	Repair bowel-bladder fistula	21.33	NA	8.40	1.37	NA	31.10	090
44661		A	Repair bowel-bladder fistula	24.77	NA	9.60	1.85	NA	36.22	090
44680		A	Surgical revision, intestine	15.38	NA	6.48	1.65	NA	23.51	090
44700		A	Suspend bowel w/prosthesis	16.09	NA	6.69	1.46	NA	24.24	090
44701		A	Intraop colon lavage add-on	3.10	NA	1.06	0.25	NA	4.41	ZZZ
44799		C	Unlisted procedure intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44800		A	Excision of bowel pouch	11.21	NA	5.43	1.34	NA	17.98	090
44820		A	Excision of mesentery lesion	12.07	NA	5.53	1.24	NA	18.84	090
44850		A	Repair of mesentery	10.72	NA	5.04	1.19	NA	16.95	090
44899		C	Bowel surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44900		A	Drain app abscess, open	10.12	NA	4.74	1.01	NA	15.87	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
44901		A	Drain app abscess, percut	3.37	NA	1.12	0.21	NA	4.70	000
44950		A	Appendectomy	9.99	NA	4.35	1.06	NA	15.40	090
44955		A	Appendectomy add-on	1.53	NA	0.53	0.19	NA	2.25	ZZZ
44960		A	Appendectomy	12.32	NA	5.38	1.31	NA	19.01	090
44970		A	Laparoscopy, appendectomy	8.69	NA	4.23	1.06	NA	13.98	090
44979		C	Laparoscope proc, app	0.00	0.00	0.00	0.00	0.00	0.00	YYY
45000		A	Drainage of pelvic abscess	4.51	NA	2.98	0.45	NA	7.94	090
45005		A	Drainage of rectal abscess	1.99	4.84	1.69	0.22	7.05	3.90	010
45020		A	Drainage of rectal abscess	4.71	NA	3.31	0.49	NA	8.51	090
45100		A	Biopsy of rectum	3.67	NA	2.39	0.40	NA	6.46	090
45108		A	Removal of anorectal lesion	4.75	NA	2.91	0.55	NA	8.21	090
45110		A	Removal of rectum	27.96	NA	12.50	2.73	NA	43.19	090
45111		A	Partial removal of rectum	16.46	NA	7.21	1.93	NA	25.60	090
45112		A	Removal of rectum	30.49	NA	11.82	2.83	NA	45.14	090
45113		A	Partial proctectomy	30.53	NA	12.69	2.57	NA	45.79	090
45114		A	Partial removal of rectum	27.28	NA	11.01	2.75	NA	41.04	090
45116		A	Partial removal of rectum	24.54	NA	10.08	2.41	NA	37.03	090
45119		A	Remove rectum w/reservoir	30.79	NA	12.54	2.57	NA	45.90	090
45120		A	Removal of rectum	24.56	NA	10.19	2.75	NA	37.50	090
45121		A	Removal of rectum and colon	27.00	NA	11.18	3.21	NA	41.39	090
45123		A	Partial proctectomy	16.68	NA	6.90	1.25	NA	24.83	090
45126		A	Pelvic exenteration	45.09	NA	19.38	3.90	NA	68.37	090
45130		A	Excision of rectal prolapse	16.42	NA	6.80	1.35	NA	24.57	090
45135		A	Excision of rectal prolapse	19.25	NA	8.48	1.83	NA	29.56	090
45136		A	Excise ileoanal reservior	27.26	NA	12.52	3.28	NA	43.06	090
45150		A	Excision of rectal stricture	5.66	NA	2.98	0.55	NA	9.19	090
45160		A	Excision of rectal lesion	15.30	NA	6.68	1.29	NA	23.27	090
45170		A	Excision of rectal lesion	11.47	NA	5.27	1.07	NA	17.81	090
45190		A	Destruction, rectal tumor	9.73	NA	4.68	0.92	NA	15.33	090
45300		A	Proctosigmoidoscopy dx	0.38	1.47	0.31	0.06	1.91	0.75	000
45303		A	Proctosigmoidoscopy dilate	0.44	19.04	0.35	0.07	19.55	0.86	000
45305		A	Proctosigmoidoscopy w/bx	1.01	2.58	0.52	0.11	3.70	1.64	000
45307		A	Proctosigmoidoscopy fb	0.94	3.00	0.50	0.18	4.12	1.62	000
45308		A	Proctosigmoidoscopy removal	0.83	1.94	0.46	0.16	2.93	1.45	000
45309		A	Proctosigmoidoscopy removal	2.01	2.77	0.86	0.21	4.99	3.08	000
45315		A	Proctosigmoidoscopy removal	1.40	2.80	0.65	0.24	4.44	2.29	000
45317		A	Proctosigmoidoscopy bleed	1.50	2.38	0.68	0.24	4.12	2.42	000
45320		A	Proctosigmoidoscopy ablate	1.58	2.84	0.73	0.24	4.66	2.55	000
45321		A	Proctosigmoidoscopy volvul	1.17	NA	0.58	0.21	NA	1.96	000
45327		A	Proctosigmoidoscopy w/stent	1.65	NA	0.70	0.12	NA	2.47	000
45330		A	Diagnostic sigmoidoscopy	0.96	2.20	0.52	0.06	3.22	1.54	000
45331		A	Sigmoidoscopy and biopsy	1.15	2.91	0.63	0.08	4.14	1.86	000
45332		A	Sigmoidoscopy w/fb removal	1.79	4.86	0.85	0.13	6.78	2.77	000
45333		A	Sigmoidoscopy & polypectomy	1.79	4.72	0.85	0.14	6.65	2.78	000
45334		A	Sigmoidoscopy for bleeding	2.73	NA	1.18	0.19	NA	4.10	000
45335		A	Sigmoidoscopy w/submuc inj	1.46	3.44	0.68	0.08	4.98	2.22	000
45337		A	Sigmoidoscopy & decompress	2.36	NA	1.05	0.18	NA	3.59	000
45338		A	Sigmoidoscopy w/tumr remove	2.34	5.03	1.05	0.18	7.55	3.57	000
45339		A	Sigmoidoscopy w/ablate tumr	3.14	3.34	1.32	0.21	6.69	4.67	000
45340		A	Sig w/balloon dilation	1.89	6.72	0.83	0.08	8.69	2.80	000
45341		A	Sigmoidoscopy w/ultrasound	2.60	NA	1.12	0.24	NA	3.96	000
45342		A	Sigmoidoscopy w/us guide bx	4.05	NA	1.60	0.28	NA	5.93	000
45345		A	Sigmoidoscopy w/stent	2.92	NA	1.20	0.18	NA	4.30	000
45355		A	Surgical colonoscopy	3.51	NA	1.40	0.31	NA	5.22	000
45378		A	Diagnostic colonoscopy	3.69	6.04	1.58	0.24	9.97	5.51	000
45378	53	A	Diagnostic colonoscopy	0.96	2.20	0.52	0.06	3.22	1.54	000
45379		A	Colonoscopy w/fb removal	4.68	7.56	1.86	0.30	12.54	6.84	000
45380		A	Colonoscopy and biopsy	4.43	7.07	1.78	0.25	11.75	6.46	000
45381		A	Colonoscopy, submucous inj	4.19	8.14	1.69	0.25	12.58	6.13	000
45382		A	Colonoscopy/control bleeding	5.68	9.72	2.23	0.33	15.73	8.24	000
45383		A	Lesion removal colonoscopy	5.86	7.85	2.27	0.39	14.10	8.52	000
45384		A	Lesion remove colonoscopy	4.69	6.69	1.87	0.29	11.67	6.85	000
45385		A	Lesion removal colonoscopy	5.30	7.69	2.08	0.34	13.33	7.72	000
45386		A	Colonoscopy dilate stricture	4.57	13.65	1.83	0.25	18.47	6.65	000
45387		A	Colonoscopy w/stent	5.90	NA	2.35	0.40	NA	8.65	000
45500		A	Repair of rectum	7.28	NA	3.59	0.68	NA	11.55	090
45505		A	Repair of rectum	7.57	NA	3.87	0.60	NA	12.04	090
45520		A	Treatment of rectal prolapse	0.55	0.85	0.19	0.05	1.45	0.79	000
45540		A	Correct rectal prolapse	16.25	NA	6.86	1.41	NA	24.52	090
45541		A	Correct rectal prolapse	13.38	NA	6.00	1.06	NA	20.44	090
45550		A	Repair rectum/remove sigmoid	22.97	NA	9.29	1.91	NA	34.17	090
45560		A	Repair of rectocele	10.56	NA	5.12	0.88	NA	16.56	090
45562		A	Exploration/repair of rectum	15.36	NA	7.05	1.39	NA	23.80	090
45563		A	Exploration/repair of rectum	23.43	NA	10.61	2.22	NA	36.26	090
45800		A	Repair rect/bladder fistula	17.74	NA	7.50	1.37	NA	26.61	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
45805		A	Repair fistula w/colostomy	20.75	NA	9.60	1.77	NA	32.12	090
45820		A	Repair rectourethral fistula	18.45	NA	7.70	1.41	NA	27.56	090
45825		A	Repair fistula w/colostomy	21.22	NA	9.91	1.17	NA	32.30	090
45900		A	Reduction of rectal prolapse	2.61	NA	1.52	0.21	NA	4.34	010
45905		A	Dilation of anal sphincter	2.30	NA	1.43	0.17	NA	3.90	010
45910		A	Dilation of rectal narrowing	2.80	NA	1.66	0.17	NA	4.63	010
45915		A	Remove rectal obstruction	3.14	4.73	1.17	0.21	8.08	4.52	010
45999		C	Rectum surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
46020		A	Placement of seton	2.90	2.28	1.86	0.27	5.45	5.03	010
46030		A	Removal of rectal marker	1.23	1.35	0.71	0.13	2.71	2.07	010
46040		A	Incision of rectal abscess	4.95	5.30	3.17	0.58	10.83	8.70	090
46045		A	Incision of rectal abscess	4.31	NA	2.92	0.48	NA	7.71	090
46050		A	Incision of anal abscess	1.19	2.57	0.86	0.13	3.89	2.18	010
46060		A	Incision of rectal abscess	5.68	NA	3.30	0.63	NA	9.61	090
46070		A	Incision of anal septum	2.71	NA	1.88	0.33	NA	4.92	090
46080		A	Incision of anal sphincter	2.49	2.39	1.13	0.28	5.16	3.90	010
46083		A	Incise external hemorrhoid	1.40	2.50	0.95	0.14	4.04	2.49	010
46200		A	Removal of anal fissure	3.41	3.64	2.43	0.36	7.41	6.20	090
46210		A	Removal of anal crypt	2.67	4.81	2.14	0.31	7.79	5.12	090
46211		A	Removal of anal crypts	4.24	5.08	2.95	0.45	9.77	7.64	090
46220		A	Removal of anal tag	1.56	2.27	0.94	0.17	4.00	2.67	010
46221		A	Ligation of hemorrhoid(s)	2.04	1.62	1.12	0.14	3.80	3.30	010
46230		A	Removal of anal tags	2.57	3.04	1.28	0.27	5.88	4.12	010
46250		A	Hemorrhoidectomy	3.88	4.86	2.46	0.52	9.26	6.86	090
46255		A	Hemorrhoidectomy	4.59	5.40	2.67	0.62	10.61	7.88	090
46257		A	Remove hemorrhoids & fissure	5.39	NA	2.91	0.71	NA	9.01	090
46258		A	Remove hemorrhoids & fistula	5.72	NA	3.31	0.77	NA	9.80	090
46260		A	Hemorrhoidectomy	6.36	NA	3.26	0.82	NA	10.44	090
46261		A	Remove hemorrhoids & fissure	7.07	NA	3.66	0.84	NA	11.57	090
46262		A	Remove hemorrhoids & fistula	7.49	NA	3.79	0.92	NA	12.20	090
46270		A	Removal of anal fistula	3.71	4.66	2.38	0.43	8.80	6.52	090
46275		A	Removal of anal fistula	4.55	4.36	2.57	0.48	9.39	7.60	090
46280		A	Removal of anal fistula	5.97	NA	3.31	0.60	NA	9.88	090
46285		A	Removal of anal fistula	4.08	3.59	2.35	0.41	8.08	6.84	090
46288		A	Repair anal fistula	7.12	NA	3.72	0.72	NA	11.56	090
46320		A	Removal of hemorrhoid clot	1.61	2.12	0.85	0.17	3.90	2.63	010
46500		A	Injection into hemorrhoid(s)	1.61	2.79	0.62	0.14	4.54	2.37	010
46600		A	Diagnostic anoscopy	0.50	1.58	0.38	0.05	2.13	0.93	000
46604		A	Anoscopy and dilation	1.31	9.30	0.64	0.11	10.72	2.06	000
46606		A	Anoscopy and biopsy	0.81	3.83	0.44	0.08	4.72	1.33	000
46608		A	Anoscopy, remove for body	1.51	4.42	0.68	0.16	6.09	2.35	000
46610		A	Anoscopy, remove lesion	1.32	4.08	0.63	0.14	5.54	2.09	000
46611		A	Anoscopy	1.81	3.35	0.80	0.18	5.34	2.79	000
46612		A	Anoscopy, remove lesions	2.34	5.19	1.00	0.22	7.75	3.56	000
46614		A	Anoscopy, control bleeding	2.01	2.28	0.87	0.17	4.46	3.05	000
46615		A	Anoscopy	2.68	2.52	1.10	0.28	5.48	4.06	000
46700		A	Repair of anal stricture	9.12	NA	4.24	0.68	NA	14.04	090
46705		A	Repair of anal stricture	6.89	NA	3.75	0.88	NA	11.52	090
46706		A	Repr of anal fistula w/glue	2.39	NA	1.24	0.21	NA	3.84	010
46715		A	Repair of anovaginal fistula	7.19	NA	3.64	0.92	NA	11.75	090
46716		A	Repair of anovaginal fistula	15.05	NA	7.98	1.57	NA	24.60	090
46730		A	Construction of absent anus	26.71	NA	12.04	2.45	NA	41.20	090
46735		A	Construction of absent anus	32.12	NA	13.58	3.18	NA	48.88	090
46740		A	Construction of absent anus	29.96	NA	13.21	2.40	NA	45.57	090
46742		A	Repair of imperforated anus	35.75	NA	17.54	3.17	NA	56.46	090
46744		A	Repair of cloacal anomaly	52.55	NA	21.17	2.74	NA	76.46	090
46746		A	Repair of cloacal anomaly	58.13	NA	25.20	3.03	NA	86.36	090
46748		A	Repair of cloacal anomaly	64.11	NA	23.81	3.34	NA	91.26	090
46750		A	Repair of anal sphincter	10.23	NA	5.10	0.83	NA	16.16	090
46751		A	Repair of anal sphincter	8.76	NA	5.51	0.94	NA	15.21	090
46753		A	Reconstruction of anus	8.28	NA	3.88	0.70	NA	12.86	090
46754		A	Removal of suture from anus	2.20	3.59	1.70	0.14	5.93	4.04	010
46760		A	Repair of anal sphincter	14.41	NA	7.11	1.04	NA	22.56	090
46761		A	Repair of anal sphincter	13.82	NA	6.06	1.01	NA	20.89	090
46762		A	Implant artificial sphincter	12.69	NA	5.56	0.86	NA	19.11	090
46900		A	Destruction, anal lesion(s)	1.91	3.54	0.79	0.16	5.61	2.86	010
46910		A	Destruction, anal lesion(s)	1.86	2.68	1.10	0.17	4.71	3.13	010
46916		A	Cryosurgery, anal lesion(s)	1.86	3.12	1.40	0.11	5.09	3.37	010
46917		A	Laser surgery, anal lesions	1.86	9.17	1.12	0.19	11.22	3.17	010
46922		A	Excision of anal lesion(s)	1.86	3.32	1.09	0.21	5.39	3.16	010
46924		A	Destruction, anal lesion(s)	2.76	8.69	1.36	0.24	11.69	4.36	010
46934		A	Destruction of hemorrhoids	3.50	5.01	2.70	0.31	8.82	6.51	090
46935		A	Destruction of hemorrhoids	2.43	3.45	1.21	0.21	6.09	3.85	010
46936		A	Destruction of hemorrhoids	3.68	4.45	2.26	0.36	8.49	6.30	090
46937		A	Cryotherapy of rectal lesion	2.69	2.73	1.22	0.14	5.56	4.05	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
46938		A	Cryotherapy of rectal lesion	4.65	4.22	2.70	0.48	9.35	7.83	090
46940		A	Treatment of anal fissure	2.32	1.99	1.09	0.21	4.52	3.62	010
46942		A	Treatment of anal fissure	2.04	1.84	1.02	0.17	4.05	3.23	010
46945		A	Ligation of hemorrhoids	1.84	3.54	1.88	0.21	5.59	3.93	090
46946		A	Ligation of hemorrhoids	2.58	4.17	1.85	0.27	7.02	4.70	090
46999		C	Anus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47000		A	Needle biopsy of liver	1.90	3.26	0.63	0.11	5.27	2.64	000
47001		A	Needle biopsy, liver add-on	1.90	NA	0.65	0.22	NA	2.77	ZZZ
47010		A	Open drainage, liver lesion	15.99	NA	8.55	0.78	NA	25.32	090
47011		A	Percut drain, liver lesion	3.69	NA	1.21	0.21	NA	5.11	000
47015		A	Inject/aspirate liver cyst	15.09	NA	7.56	1.04	NA	23.69	090
47100		A	Wedge biopsy of liver	11.65	NA	6.10	0.90	NA	18.65	090
47120		A	Partial removal of liver	35.45	NA	15.28	2.76	NA	53.49	090
47122		A	Extensive removal of liver	55.05	NA	21.62	4.34	NA	81.01	090
47125		A	Partial removal of liver	49.12	NA	19.67	3.84	NA	72.63	090
47130		A	Partial removal of liver	53.27	NA	21.14	4.19	NA	78.60	090
47133		C	Removal of donor liver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
47134		D	Partial removal, donor liver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
47135		R	Transplantation of liver	81.40	NA	32.07	9.81	NA	123.28	090
47136		R	Transplantation of liver	68.50	NA	27.50	8.36	NA	104.36	090
47140		A	Partial removal, donor liver	54.92	NA	22.74	4.80	NA	82.46	090
47141		A	Partial removal, donor liver	67.40	NA	27.39	4.80	NA	99.59	090
47142		A	Partial removal, donor liver	74.89	NA	29.97	4.80	NA	109.66	090
47300		A	Surgery for liver lesion	15.06	NA	7.29	1.17	NA	23.52	090
47350		A	Repair liver wound	19.53	NA	8.93	1.51	NA	29.97	090
47360		A	Repair liver wound	26.88	NA	11.67	2.06	NA	40.61	090
47361		A	Repair liver wound	47.05	NA	18.64	3.75	NA	69.44	090
47362		A	Repair liver wound	18.48	NA	8.80	1.47	NA	28.75	090
47370		A	Laparo ablate liver tumor rf	19.66	NA	8.18	1.03	NA	28.87	090
47371		A	Laparo ablate liver cryosurg	19.66	NA	8.19	1.03	NA	28.88	090
47379		C	Laparoscope procedure, liver	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47380		A	Open ablate liver tumor rf	22.97	NA	9.39	1.03	NA	33.39	090
47381		A	Open ablate liver tumor cryo	23.24	NA	9.65	1.03	NA	33.92	090
47382		A	Percut ablate liver rf	15.17	NA	6.10	1.37	NA	22.64	010
47399		C	Liver surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47400		A	Incision of liver duct	32.44	NA	13.55	2.20	NA	48.19	090
47420		A	Incision of bile duct	19.85	NA	8.82	2.05	NA	30.72	090
47425		A	Incision of bile duct	19.80	NA	8.87	1.93	NA	30.60	090
47460		A	Incise bile duct sphincter	18.01	NA	8.42	1.50	NA	27.93	090
47480		A	Incision of gallbladder	10.80	NA	5.97	1.03	NA	17.80	090
47490		A	Incision of gallbladder	7.22	NA	5.83	0.40	NA	13.45	090
47500		A	Injection for liver x-rays	1.96	NA	0.64	0.11	NA	2.71	000
47505		A	Injection for liver x-rays	0.76	2.60	0.25	0.04	3.40	1.05	000
47510		A	Insert catheter, bile duct	7.82	NA	5.01	0.43	NA	13.26	090
47511		A	Insert bile duct drain	10.48	NA	5.09	0.57	NA	16.14	090
47525		A	Change bile duct catheter	5.54	NA	3.26	0.29	NA	9.09	010
47530		A	Revise/reinsert bile tube	5.84	NA	4.32	0.35	NA	10.51	090
47550		A	Bile duct endoscopy add-on	3.02	NA	1.03	0.36	NA	4.41	ZZZ
47552		A	Biliary endoscopy thru skin	6.03	NA	2.40	0.51	NA	8.94	000
47553		A	Biliary endoscopy thru skin	6.34	NA	2.60	0.36	NA	9.30	000
47554		A	Biliary endoscopy thru skin	9.05	NA	3.38	0.89	NA	13.32	000
47555		A	Biliary endoscopy thru skin	7.55	NA	3.01	0.42	NA	10.98	000
47556		A	Biliary endoscopy thru skin	8.55	NA	3.33	0.46	NA	12.34	000
47560		A	Laparoscopy w/cholangio	4.88	NA	1.83	0.59	NA	7.30	000
47561		A	Laparo w/cholangio/biopsy	5.17	NA	2.13	0.59	NA	7.89	000
47562		A	Laparoscopic cholecystectomy	11.07	NA	5.00	1.36	NA	17.43	090
47563		A	Laparo cholecystectomy/graph	11.92	NA	5.32	1.46	NA	18.70	090
47564		A	Laparo cholecystectomy/explr	14.21	NA	5.97	1.74	NA	21.92	090
47570		A	Laparo cholecystoenterostomy	12.56	NA	5.39	1.54	NA	19.49	090
47579		C	Laparoscope proc, biliary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47600		A	Removal of gallbladder	13.56	NA	6.20	1.40	NA	21.16	090
47605		A	Removal of gallbladder	14.67	NA	6.55	1.51	NA	22.73	090
47610		A	Removal of gallbladder	18.79	NA	7.99	1.94	NA	28.72	090
47612		A	Removal of gallbladder	18.75	NA	7.94	1.93	NA	28.62	090
47620		A	Removal of gallbladder	20.61	NA	8.59	2.13	NA	31.33	090
47630		A	Remove bile duct stone	9.10	NA	4.80	0.55	NA	14.45	090
47700		A	Exploration of bile ducts	15.60	NA	7.48	1.69	NA	24.77	090
47701		A	Bile duct revision	27.77	NA	11.58	3.62	NA	42.97	090
47711		A	Excision of bile duct tumor	23.00	NA	10.01	2.39	NA	35.40	090
47712		A	Excision of bile duct tumor	30.19	NA	12.50	3.22	NA	45.91	090
47715		A	Excision of bile duct cyst	18.77	NA	8.49	1.92	NA	29.18	090
47716		A	Fusion of bile duct cyst	16.42	NA	7.88	1.70	NA	26.00	090
47720		A	Fuse gallbladder & bowel	15.89	NA	7.54	1.65	NA	25.08	090
47721		A	Fuse upper gi structures	19.09	NA	8.63	1.97	NA	29.69	090
47740		A	Fuse gallbladder & bowel	18.45	NA	8.45	1.92	NA	28.82	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
47741		A	Fuse gallbladder & bowel	21.31	NA	9.35	2.20	NA	32.86	090
47760		A	Fuse bile ducts and bowel	25.81	NA	10.92	2.67	NA	39.40	090
47765		A	Fuse liver ducts & bowel	24.84	NA	10.89	2.63	NA	38.36	090
47780		A	Fuse bile ducts and bowel	26.46	NA	11.28	2.74	NA	40.48	090
47785		A	Fuse bile ducts and bowel	31.13	NA	13.01	3.24	NA	47.38	090
47800		A	Reconstruction of bile ducts	23.27	NA	10.13	2.35	NA	35.75	090
47801		A	Placement, bile duct support	15.15	NA	8.33	0.83	NA	24.31	090
47802		A	Fuse liver duct & intestine	21.52	NA	9.76	2.22	NA	33.50	090
47900		A	Suture bile duct injury	19.87	NA	8.93	1.99	NA	30.79	090
47999		C	Bile tract surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
48000		A	Drainage of abdomen	28.03	NA	11.58	1.59	NA	41.20	090
48001		A	Placement of drain, pancreas	35.40	NA	13.95	2.29	NA	51.64	090
48005		A	Resect/debride pancreas	42.11	NA	16.63	2.73	NA	61.47	090
48020		A	Removal of pancreatic stone	15.68	NA	7.35	1.64	NA	24.67	090
48100		A	Biopsy of pancreas, open	12.21	NA	5.65	1.30	NA	19.16	090
48102		A	Needle biopsy, pancreas	4.67	9.04	2.45	0.24	13.95	7.36	010
48120		A	Removal of pancreas lesion	15.83	NA	6.90	1.63	NA	24.36	090
48140		A	Partial removal of pancreas	22.91	NA	9.60	2.56	NA	35.07	090
48145		A	Partial removal of pancreas	23.98	NA	9.91	2.71	NA	36.60	090
48146		A	Pancreatectomy	26.36	NA	12.09	2.93	NA	41.38	090
48148		A	Removal of pancreatic duct	17.31	NA	7.68	1.94	NA	26.93	090
48150		A	Partial removal of pancreas	47.93	NA	19.65	5.34	NA	72.92	090
48152		A	Pancreatectomy	43.68	NA	18.35	4.91	NA	66.94	090
48153		A	Pancreatectomy	47.82	NA	19.74	5.31	NA	72.87	090
48154		A	Pancreatectomy	44.03	NA	18.38	4.95	NA	67.36	090
48155		A	Removal of pancreas	24.60	NA	11.82	2.77	NA	39.19	090
48160		N	Pancreas removal/transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48180		A	Fuse pancreas and bowel	24.68	NA	10.22	2.70	NA	37.60	090
48400		A	Injection, intraop add-on	1.95	NA	0.64	0.12	NA	2.71	ZZZ
48500		A	Surgery of pancreatic cyst	15.26	NA	7.40	1.63	NA	24.29	090
48510		A	Drain pancreatic pseudocyst	14.29	NA	7.54	1.29	NA	23.12	090
48511		A	Drain pancreatic pseudocyst	3.99	NA	1.31	0.21	NA	5.51	000
48520		A	Fuse pancreas cyst and bowel	15.57	NA	6.75	1.70	NA	24.02	090
48540		A	Fuse pancreas cyst and bowel	19.69	NA	8.16	2.20	NA	30.05	090
48545		A	Pancreatorrhaphy	18.15	NA	8.05	1.94	NA	28.14	090
48547		A	Duodenal exclusion	25.79	NA	10.55	2.77	NA	39.11	090
48550		X	Donor pancreatectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48554		R	Transpl allograft pancreas	34.12	NA	17.32	3.98	NA	55.42	090
48556		A	Removal, allograft pancreas	15.69	NA	8.29	1.83	NA	25.81	090
48999		C	Pancreas surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49000		A	Exploration of abdomen	11.66	NA	5.42	1.41	NA	18.49	090
49002		A	Reopening of abdomen	10.47	NA	5.07	1.28	NA	16.82	090
49010		A	Exploration behind abdomen	12.26	NA	5.95	1.47	NA	19.68	090
49020		A	Drain abdominal abscess	22.81	NA	10.24	1.58	NA	34.63	090
49021		A	Drain abdominal abscess	3.37	NA	1.12	0.19	NA	4.68	000
49040		A	Drain, open, abdom abscess	13.50	NA	6.47	1.01	NA	20.98	090
49041		A	Drain, percut, abdom abscess	3.99	NA	1.31	0.22	NA	5.52	000
49060		A	Drain, open, retrop abscess	15.84	NA	7.48	0.93	NA	24.25	090
49061		A	Drain, percut, retroper absc	3.69	NA	1.21	0.21	NA	5.11	000
49062		A	Drain to peritoneal cavity	11.34	NA	5.50	1.30	NA	18.14	090
49080		A	Puncture, peritoneal cavity	1.35	4.20	0.45	0.08	5.63	1.88	000
49081		A	Removal of abdominal fluid	1.26	2.62	0.57	0.07	3.95	1.90	000
49085		A	Remove abdomen foreign body	12.12	NA	5.56	1.06	NA	18.74	090
49180		A	Biopsy, abdominal mass	1.73	3.32	0.56	0.10	5.15	2.39	000
49200		A	Removal of abdominal lesion	10.23	NA	5.08	1.11	NA	16.42	090
49201		A	Remove abdom lesion, complex	14.82	NA	7.10	1.77	NA	23.69	090
49215		A	Excise sacral spine tumor	33.45	NA	14.09	2.99	NA	50.53	090
49220		A	Multiple surgery, abdomen	14.86	NA	6.69	1.82	NA	23.37	090
49250		A	Excision of umbilicus	8.34	NA	4.33	1.01	NA	13.68	090
49255		A	Removal of omentum	11.12	NA	5.66	1.35	NA	18.13	090
49320		A	Diag laparo separate proc	5.09	NA	2.64	0.60	NA	8.33	010
49321		A	Laparoscopy, biopsy	5.39	NA	2.65	0.64	NA	8.68	010
49322		A	Laparoscopy, aspiration	5.69	NA	2.99	0.69	NA	9.37	010
49323		A	Laparo drain lymphocele	9.47	NA	4.52	1.06	NA	15.05	090
49329		C	Laparo proc, abdm/per/oment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49400		A	Air injection into abdomen	1.88	NA	0.79	0.13	NA	2.80	000
49419		A	Insrt abdom cath for chemotx	6.64	NA	3.56	0.66	NA	10.86	090
49420		A	Insert abdom drain, temp	2.22	NA	1.12	0.16	NA	3.50	000
49421		A	Insert abdom drain, perm	5.53	NA	3.20	0.66	NA	9.39	090
49422		A	Remove perm cannula/catheter	6.24	NA	2.91	0.76	NA	9.91	010
49423		A	Exchange drainage catheter	1.46	NA	0.67	0.08	NA	2.21	000
49424		A	Assess cyst, contrast inject	0.76	NA	0.44	0.04	NA	1.24	000
49425		A	Insert abdomen-venous drain	11.35	NA	5.65	1.46	NA	18.46	090
49426		A	Revise abdomen-venous shunt	9.62	NA	4.82	1.12	NA	15.56	090
49427		A	Injection, abdominal shunt	0.89	NA	0.48	0.06	NA	1.43	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
49428		A	Ligation of shunt	6.05	NA	3.29	0.37	NA	9.71	010
49429		A	Removal of shunt	7.39	NA	3.44	0.98	NA	11.81	010
49491		A	Rpr hern preemie reduc	11.11	NA	5.07	1.33	NA	17.51	090
49492		A	Rpr ing hern premie, blocked	14.01	NA	6.14	1.77	NA	21.92	090
49495		A	Rpr ing hernia baby, reduc	5.88	NA	3.00	0.70	NA	9.58	090
49496		A	Rpr ing hernia baby, blocked	8.78	NA	4.37	1.11	NA	14.26	090
49500		A	Rpr ing hernia, init, reduce	5.47	NA	3.15	0.55	NA	9.17	090
49501		A	Rpr ing hernia, init blocked	8.87	NA	4.24	0.92	NA	14.03	090
49505		A	Prp i/hern init reduc>5 yr	7.59	4.10	3.87	0.78	12.47	12.24	090
49507		A	Prp i/hern init block>5 yr	9.56	NA	4.54	1.00	NA	15.10	090
49520		A	Rerepair ing hernia, reduce	9.62	NA	4.49	1.01	NA	15.12	090
49521		A	Rerepair ing hernia, blocked	11.95	NA	5.28	1.25	NA	18.48	090
49525		A	Repair ing hernia, sliding	8.56	NA	4.13	0.89	NA	13.58	090
49540		A	Repair lumbar hernia	10.37	NA	4.81	1.09	NA	16.27	090
49550		A	Rpr rem hernia, init, reduce	8.62	NA	4.16	0.90	NA	13.68	090
49553		A	Rpr fem hernia, init blocked	9.43	NA	4.46	1.00	NA	14.89	090
49555		A	Rerepair fem hernia, reduce	9.02	NA	4.32	0.95	NA	14.29	090
49557		A	Rerepair fem hernia, blocked	11.13	NA	5.03	1.17	NA	17.33	090
49560		A	Rpr ventral hern init, reduc	11.55	NA	5.21	1.21	NA	17.97	090
49561		A	Rpr ventral hern init, block	14.23	NA	6.11	1.48	NA	21.82	090
49565		A	Rerepair ventrl hern, reduce	11.55	NA	5.28	1.21	NA	18.04	090
49566		A	Rerepair ventrl hern, block	14.38	NA	6.18	1.50	NA	22.06	090
49568		A	Hernia repair w/mesh	4.88	NA	1.68	0.60	NA	7.16	ZZZ
49570		A	Rpr epigastric hern, reduce	5.68	NA	3.20	0.60	NA	9.48	090
49572		A	Rpr epigastric hern, blocked	6.72	NA	3.50	0.70	NA	10.92	090
49580		A	Rpr umbil hern, reduc < 5 yr	4.10	NA	2.64	0.41	NA	7.15	090
49582		A	Rpr umbil hern, block < 5 yr	6.64	NA	3.53	0.69	NA	10.86	090
49585		A	Rpr umbil hern, reduc > 5 yr	6.22	NA	3.35	0.64	NA	10.21	090
49587		A	Rpr umbil hern, block > 5 yr	7.55	NA	3.78	0.78	NA	12.11	090
49590		A	Repair spigilian hernia	8.53	NA	4.13	0.89	NA	13.55	090
49600		A	Repair umbilical lesion	10.94	NA	5.39	1.36	NA	17.69	090
49605		A	Repair umbilical lesion	75.89	NA	28.65	3.10	NA	107.64	090
49606		A	Repair umbilical lesion	18.57	NA	7.77	2.68	NA	29.02	090
49610		A	Repair umbilical lesion	10.48	NA	5.26	0.93	NA	16.67	090
49611		A	Repair umbilical lesion	8.91	NA	7.25	0.78	NA	16.94	090
49650		A	Laparo hernia repair initial	6.26	NA	3.23	0.77	NA	10.26	090
49651		A	Laparo hernia repair recur	8.23	NA	4.09	1.01	NA	13.33	090
49659		C	Laparo proc, hernia repair	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49900		A	Repair of abdominal wall	12.26	NA	6.28	1.48	NA	20.02	090
49904		A	Omental flap, extra-abdom	19.97	NA	15.52	2.30	NA	37.79	090
49905		A	Omental flap, intra-abdom	6.54	NA	2.30	0.74	NA	9.58	ZZZ
49906		C	Free omental flap, microvasc	0.00	0.00	0.00	0.00	0.00	0.00	090
49999		C	Abdomen surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50010		A	Exploration of kidney	10.96	NA	5.42	0.95	NA	17.33	090
50020		A	Renal abscess, open drain	14.64	NA	8.81	0.96	NA	24.41	090
50021		A	Renal abscess, percut drain	3.37	NA	1.11	0.18	NA	4.66	000
50040		A	Drainage of kidney	14.92	NA	8.42	0.99	NA	24.33	090
50045		A	Exploration of kidney	15.44	NA	6.80	1.28	NA	23.52	090
50060		A	Removal of kidney stone	19.27	NA	8.03	1.37	NA	28.67	090
50065		A	Incision of kidney	20.76	NA	6.24	1.36	NA	28.36	090
50070		A	Incision of kidney	20.29	NA	8.42	1.45	NA	30.16	090
50075		A	Removal of kidney stone	25.30	NA	10.19	1.82	NA	37.31	090
50080		A	Removal of kidney stone	14.69	NA	7.85	1.04	NA	23.58	090
50081		A	Removal of kidney stone	21.77	NA	10.35	1.57	NA	33.69	090
50100		A	Revise kidney blood vessels	16.07	NA	7.99	1.98	NA	26.04	090
50120		A	Exploration of kidney	15.89	NA	6.97	1.25	NA	24.11	090
50125		A	Explore and drain kidney	16.50	NA	7.12	1.29	NA	24.91	090
50130		A	Removal of kidney stone	17.26	NA	7.38	1.25	NA	25.89	090
50135		A	Exploration of kidney	19.15	NA	7.98	1.42	NA	28.55	090
50200		A	Biopsy of kidney	2.63	NA	0.90	0.14	NA	3.67	000
50205		A	Biopsy of kidney	11.29	NA	5.24	1.13	NA	17.66	090
50220		A	Remove kidney, open	17.12	NA	7.44	1.40	NA	25.96	090
50225		A	Removal kidney open, complex	20.20	NA	8.36	1.52	NA	30.08	090
50230		A	Removal kidney open, radical	22.04	NA	8.83	1.63	NA	32.50	090
50234		A	Removal of kidney & ureter	22.37	NA	9.04	1.65	NA	33.06	090
50236		A	Removal of kidney & ureter	24.82	NA	11.41	1.81	NA	38.04	090
50240		A	Partial removal of kidney	21.97	NA	10.50	1.64	NA	34.11	090
50280		A	Removal of kidney lesion	15.65	NA	6.89	1.19	NA	23.73	090
50290		A	Removal of kidney lesion	14.71	NA	6.65	1.34	NA	22.70	090
50300		X	Removal of donor kidney	0.00	0.00	0.00	0.00	0.00	0.00	XXX
50320		A	Removal of donor kidney	22.18	NA	9.96	2.15	NA	34.29	090
50340		A	Removal of kidney	12.13	NA	6.93	1.39	NA	20.45	090
50360		A	Transplantation of kidney	31.48	NA	15.76	3.58	NA	50.82	090
50365		A	Transplantation of kidney	36.75	NA	18.55	4.23	NA	59.53	090
50370		A	Remove transplanted kidney	13.70	NA	7.52	1.52	NA	22.74	090

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
50380		A	Reimplantation of kidney	20.73	NA	13.26	2.17	NA	36.16	090
50390		A	Drainage of kidney lesion	1.96	NA	0.64	0.11	NA	2.71	000
50392		A	Insert kidney drain	3.37	NA	1.11	0.18	NA	4.66	000
50393		A	Insert ureteral tube	4.15	NA	1.35	0.22	NA	5.72	000
50394		A	Injection for kidney x-ray	0.76	2.54	0.25	0.05	3.35	1.06	000
50395		A	Create passage to kidney	3.37	NA	1.10	0.19	NA	4.66	000
50396		A	Measure kidney pressure	2.09	NA	0.86	0.12	NA	3.07	000
50398		A	Change kidney tube	1.46	1.19	0.47	0.08	2.73	2.01	000
50400		A	Revision of kidney/ureter	19.47	NA	7.72	1.46	NA	28.65	090
50405		A	Revision of kidney/ureter	23.89	NA	10.41	1.75	NA	36.05	090
50500		A	Repair of kidney wound	19.54	NA	8.77	1.75	NA	30.06	090
50520		A	Close kidney-skin fistula	17.20	NA	8.75	1.52	NA	27.47	090
50525		A	Repair renal-abdomen fistula	22.24	NA	10.16	1.82	NA	34.22	090
50526		A	Repair renal-abdomen fistula	23.98	NA	10.88	1.95	NA	36.81	090
50540		A	Revision of horseshoe kidney	19.90	NA	8.55	1.54	NA	29.99	090
50541		A	Laparo ablate renal cyst	15.98	NA	6.41	1.19	NA	23.58	090
50542		A	Laparo ablate renal mass	19.97	NA	8.13	1.64	NA	29.74	090
50543		A	Laparo partial nephrectomy	25.46	NA	10.27	1.64	NA	37.37	090
50544		A	Laparoscopy, pyeloplasty	22.37	NA	8.47	1.70	NA	32.54	090
50545		A	Laparo radical nephrectomy	23.96	NA	9.12	1.85	NA	34.93	090
50546		A	Laparoscopic nephrectomy	20.45	NA	8.30	1.65	NA	30.40	090
50547		A	Laparo removal donor kidney	25.46	NA	10.44	2.46	NA	38.36	090
50548		A	Laparo remove w/ ureter	24.36	NA	9.11	1.80	NA	35.27	090
50549		C	Laparoscope proc, renal	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50551		A	Kidney endoscopy	5.59	4.92	1.80	0.40	10.91	7.79	000
50553		A	Kidney endoscopy	5.98	18.59	1.95	0.42	24.99	8.35	000
50555		A	Kidney endoscopy & biopsy	6.52	19.17	2.11	0.46	26.15	9.09	000
50557		A	Kidney endoscopy & treatment	6.61	20.04	2.12	0.47	27.12	9.20	000
50559		A	Renal endoscopy/radiotracer	6.77	NA	2.19	0.33	NA	9.29	000
50561		A	Kidney endoscopy & treatment	7.58	17.69	2.44	0.53	25.80	10.55	000
50562		A	Renal scope w/tumor resect	10.90	NA	3.84	1.01	NA	15.75	090
50570		A	Kidney endoscopy	9.53	NA	3.06	0.68	NA	13.27	000
50572		A	Kidney endoscopy	10.33	NA	3.33	0.77	NA	14.43	000
50574		A	Kidney endoscopy & biopsy	11.00	NA	3.57	0.78	NA	15.35	000
50575		A	Kidney endoscopy	13.96	NA	4.48	1.01	NA	19.45	000
50576		A	Kidney endoscopy & treatment	10.97	NA	3.51	0.80	NA	15.28	000
50578		A	Renal endoscopy/radiotracer	11.33	NA	3.64	0.81	NA	15.78	000
50580		A	Kidney endoscopy & treatment	11.84	NA	3.80	0.84	NA	16.48	000
50590		A	Fragmenting of kidney stone	9.08	10.77	5.03	0.65	20.50	14.76	090
50600		A	Exploration of ureter	15.82	NA	6.99	1.19	NA	24.00	090
50605		A	Insert ureteral support	15.44	NA	7.00	1.36	NA	23.80	090
50610		A	Removal of ureter stone	15.90	NA	7.24	1.30	NA	24.44	090
50620		A	Removal of ureter stone	15.14	NA	6.62	1.10	NA	22.86	090
50630		A	Removal of ureter stone	14.92	NA	6.56	1.09	NA	22.57	090
50650		A	Removal of ureter	17.38	NA	7.50	1.29	NA	26.17	090
50660		A	Removal of ureter	19.52	NA	8.24	1.44	NA	29.20	090
50684		A	Injection for ureter x-ray	0.76	15.38	0.25	0.05	16.19	1.06	000
50686		A	Measure ureter pressure	1.51	4.56	0.65	0.11	6.18	2.27	000
50688		A	Change of ureter tube	1.17	NA	1.75	0.07	NA	2.99	010
50690		A	Injection for ureter x-ray	1.16	15.84	0.37	0.07	17.07	1.60	000
50700		A	Revision of ureter	15.19	NA	7.30	1.04	NA	23.53	090
50715		A	Release of ureter	18.87	NA	9.03	2.03	NA	29.93	090
50722		A	Release of ureter	16.33	NA	8.03	1.70	NA	26.06	090
50725		A	Release/revise ureter	18.46	NA	8.31	1.74	NA	28.51	090
50727		A	Revise ureter	8.17	NA	5.20	0.62	NA	13.99	090
50728		A	Revise ureter	12.00	NA	6.72	1.06	NA	19.78	090
50740		A	Fusion of ureter & kidney	18.39	NA	7.96	1.80	NA	28.15	090
50750		A	Fusion of ureter & kidney	19.48	NA	8.27	1.50	NA	29.25	090
50760		A	Fusion of ureters	18.39	NA	7.95	1.51	NA	27.85	090
50770		A	Splicing of ureters	19.48	NA	8.25	1.51	NA	29.24	090
50780		A	Reimplant ureter in bladder	18.33	NA	7.86	1.45	NA	27.64	090
50782		A	Reimplant ureter in bladder	19.51	NA	9.83	1.36	NA	30.70	090
50783		A	Reimplant ureter in bladder	20.52	NA	9.35	1.63	NA	31.50	090
50785		A	Reimplant ureter in bladder	20.49	NA	8.58	1.57	NA	30.64	090
50800		A	Implant ureter in bowel	14.50	NA	6.99	1.11	NA	22.60	090
50810		A	Fusion of ureter & bowel	20.02	NA	9.57	2.15	NA	31.74	090
50815		A	Urine shunt to intestine	19.90	NA	8.93	1.58	NA	30.41	090
50820		A	Construct bowel bladder	21.86	NA	9.14	1.66	NA	32.66	090
50825		A	Construct bowel bladder	28.14	NA	11.65	2.18	NA	41.97	090
50830		A	Revise urine flow	31.23	NA	12.66	2.65	NA	46.54	090
50840		A	Replace ureter by bowel	19.97	NA	8.93	1.52	NA	30.42	090
50845		A	Appendico-vesicostomy	20.86	NA	8.87	1.52	NA	31.25	090
50860		A	Transplant ureter to skin	15.34	NA	6.89	1.22	NA	23.45	090
50900		A	Repair of ureter	13.60	NA	6.36	1.18	NA	21.14	090
50920		A	Closure ureter/skin fistula	14.31	NA	6.79	1.01	NA	22.11	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
50930		A	Closure ureter/bowel fistula	18.69	NA	8.19	1.89	NA	28.77	090
50940		A	Release of ureter	14.49	NA	6.63	1.25	NA	22.37	090
50945		A	Laparoscopy ureterolithotomy	16.97	NA	6.96	1.39	NA	25.32	090
50947		A	Laparo new ureter/bladder	24.46	NA	9.66	2.40	NA	36.52	090
50948		A	Laparo new ureter/bladder	22.47	NA	8.62	2.21	NA	33.30	090
50949		C	Laparoscope proc, ureter	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50951		A	Endoscopy of ureter	5.83	5.34	1.87	0.42	11.59	8.12	000
50953		A	Endoscopy of ureter	6.23	18.61	2.00	0.45	25.29	8.68	000
50955		A	Ureter endoscopy & biopsy	6.74	20.51	2.22	0.46	27.71	9.42	000
50957		A	Ureter endoscopy & treatment	6.78	18.26	2.18	0.48	25.52	9.44	000
50959		A	Ureter endoscopy & tracer	4.39	NA	1.37	0.22	NA	5.98	000
50961		A	Ureter endoscopy & treatment	6.04	25.47	1.94	0.42	31.93	8.40	000
50970		A	Ureter endoscopy	7.13	NA	2.30	0.52	NA	9.95	000
50972		A	Ureter endoscopy & catheter	6.88	NA	2.27	0.47	NA	9.62	000
50974		A	Ureter endoscopy & biopsy	9.16	NA	2.93	0.64	NA	12.73	000
50976		A	Ureter endoscopy & treatment	9.03	NA	2.91	0.64	NA	12.58	000
50978		A	Ureter endoscopy & tracer	5.09	NA	1.67	0.36	NA	7.12	000
50980		A	Ureter endoscopy & treatment	6.84	NA	2.20	0.49	NA	9.53	000
51000		A	Drainage of bladder	0.78	1.98	0.24	0.06	2.82	1.08	000
51005		A	Drainage of bladder	1.02	4.80	0.34	0.10	5.92	1.46	000
51010		A	Drainage of bladder	3.52	5.74	1.89	0.28	9.54	5.69	010
51020		A	Incise & treat bladder	6.70	NA	3.98	0.51	NA	11.19	090
51030		A	Incise & treat bladder	6.76	NA	4.09	0.51	NA	11.36	090
51040		A	Incise & drain bladder	4.39	NA	2.87	0.33	NA	7.59	090
51045		A	Incise bladder/drain ureter	6.76	NA	4.06	0.57	NA	11.39	090
51050		A	Removal of bladder stone	6.91	NA	3.75	0.51	NA	11.17	090
51060		A	Removal of ureter stone	8.84	NA	4.62	0.65	NA	14.11	090
51065		A	Remove ureter calculus	8.84	NA	4.47	0.64	NA	13.95	090
51080		A	Drainage of bladder abscess	5.95	NA	3.66	0.42	NA	10.03	090
51500		A	Removal of bladder cyst	10.12	NA	5.08	1.06	NA	16.26	090
51520		A	Removal of bladder lesion	9.28	NA	4.79	0.70	NA	14.77	090
51525		A	Removal of bladder lesion	13.95	NA	6.25	1.03	NA	21.23	090
51530		A	Removal of bladder lesion	12.36	NA	5.87	0.99	NA	19.22	090
51535		A	Repair of ureter lesion	12.55	NA	6.23	1.09	NA	19.87	090
51550		A	Partial removal of bladder	15.64	NA	6.86	1.27	NA	23.77	090
51555		A	Partial removal of bladder	21.20	NA	8.81	1.65	NA	31.66	090
51565		A	Revise bladder & ureter(s)	21.59	NA	9.12	1.69	NA	32.40	090
51570		A	Removal of bladder	24.20	NA	9.94	1.92	NA	36.06	090
51575		A	Removal of bladder & nodes	30.40	NA	12.26	2.27	NA	44.93	090
51580		A	Remove bladder/revise tract	31.03	NA	12.73	2.34	NA	46.10	090
51585		A	Removal of bladder & nodes	35.18	NA	13.93	2.63	NA	51.74	090
51590		A	Remove bladder/revise tract	32.61	NA	12.84	2.42	NA	47.87	090
51595		A	Remove bladder/revise tract	37.08	NA	14.36	2.69	NA	54.13	090
51596		A	Remove bladder/create pouch	39.46	NA	15.47	2.88	NA	57.81	090
51597		A	Removal of pelvic structures	38.29	NA	15.07	3.00	NA	56.36	090
51600		A	Injection for bladder x-ray	0.88	5.85	0.29	0.05	6.78	1.22	000
51605		A	Preparation for bladder xray	0.64	10.80	0.35	0.05	11.49	1.04	000
51610		A	Injection for bladder x-ray	1.05	1.72	0.60	0.06	2.83	1.71	000
51700		A	Irrigation of bladder	0.88	1.65	0.28	0.06	2.59	1.22	000
51701		A	Insert bladder catheter	0.50	1.64	0.19	0.04	2.18	0.73	000
51702		A	Insert temp bladder cath	0.50	2.34	0.26	0.04	2.88	0.80	000
51703		A	Insert bladder cath, complex	1.47	3.05	0.57	0.11	4.63	2.15	000
51705		A	Change of bladder tube	1.02	2.34	0.61	0.07	3.43	1.70	010
51710		A	Change of bladder tube	1.49	3.43	0.77	0.11	5.03	2.37	010
51715		A	Endoscopic injection/implant	3.73	4.01	1.35	0.29	8.03	5.37	000
51720		A	Treatment of bladder lesion	1.96	1.79	0.71	0.14	3.89	2.81	000
51725		A	Simple cystometrogram	1.51	5.77	NA	0.16	7.44	NA	000
51725	26	A	Simple cystometrogram	1.51	0.49	0.49	0.12	2.12	2.12	000
51725	TC	A	Simple cystometrogram	0.00	5.28	NA	0.04	5.32	NA	000
51726		A	Complex cystometrogram	1.71	7.84	NA	0.18	9.73	NA	000
51726	26	A	Complex cystometrogram	1.71	0.56	0.56	0.13	2.40	2.40	000
51726	TC	A	Complex cystometrogram	0.00	7.28	NA	0.05	7.33	NA	000
51736		A	Urine flow measurement	0.61	0.58	NA	0.06	1.25	NA	000
51736	26	A	Urine flow measurement	0.61	0.20	0.20	0.05	0.86	0.86	000
51736	TC	A	Urine flow measurement	0.00	0.38	NA	0.01	0.39	NA	000
51741		A	Electro-uroflowmetry, first	1.14	0.80	NA	0.10	2.04	NA	000
51741	26	A	Electro-uroflowmetry, first	1.14	0.37	0.37	0.08	1.59	1.59	000
51741	TC	A	Electro-uroflowmetry, first	0.00	0.43	NA	0.02	0.45	NA	000
51772		A	Urethra pressure profile	1.61	5.78	NA	0.19	7.58	NA	000
51772	26	A	Urethra pressure profile	1.61	0.55	0.55	0.14	2.30	2.30	000
51772	TC	A	Urethra pressure profile	0.00	5.23	NA	0.05	5.28	NA	000
51784		A	Anal/urinary muscle study	1.53	4.11	NA	0.16	5.80	NA	000
51784	26	A	Anal/urinary muscle study	1.53	0.50	0.50	0.12	2.15	2.15	000
51784	TC	A	Anal/urinary muscle study	0.00	3.61	NA	0.04	3.65	NA	000
51785		A	Anal/urinary muscle study	1.53	4.62	NA	0.15	6.30	NA	000

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
51785	26	A	Anal/urinary muscle study	1.53	0.50	0.50	0.11	2.14	2.14	000
51785	TC	A	Anal/urinary muscle study	0.00	4.12	NA	0.04	4.16	NA	000
51792		A	Urinary reflex study	1.10	5.98	NA	0.24	7.32	NA	000
51792	26	A	Urinary reflex study	1.10	0.41	0.41	0.11	1.62	1.62	000
51792	TC	A	Urinary reflex study	0.00	5.57	NA	0.13	5.70	NA	000
51795		A	Urine voiding pressure study	1.53	7.62	NA	0.22	9.37	NA	000
51795	26	A	Urine voiding pressure study	1.53	0.50	0.50	0.12	2.15	2.15	000
51795	TC	A	Urine voiding pressure study	0.00	7.12	NA	0.10	7.22	NA	000
51797		A	Intraabdominal pressure test	1.60	5.95	NA	0.17	7.72	NA	000
51797	26	A	Intraabdominal pressure test	1.60	0.52	0.52	0.12	2.24	2.24	000
51797	TC	A	Intraabdominal pressure test	0.00	5.43	NA	0.05	5.48	NA	000
51798		A	Us urine capacity measure	0.00	0.36	NA	0.08	0.44	NA	XXX
51800		A	Revision of bladder/urethra	17.39	NA	7.69	1.41	NA	26.49	090
51820		A	Revision of urinary tract	17.86	NA	8.46	1.75	NA	28.07	090
51840		A	Attach bladder/urethra	10.69	NA	5.57	1.05	NA	17.31	090
51841		A	Attach bladder/urethra	13.01	NA	6.37	1.25	NA	20.63	090
51845		A	Repair bladder neck	9.72	NA	4.87	0.75	NA	15.34	090
51860		A	Repair of bladder wound	12.00	NA	5.90	1.07	NA	18.97	090
51865		A	Repair of bladder wound	15.02	NA	6.83	1.22	NA	23.07	090
51880		A	Repair of bladder opening	7.65	NA	4.07	0.65	NA	12.37	090
51900		A	Repair bladder/vagina lesion	12.95	NA	6.22	1.05	NA	20.22	090
51920		A	Close bladder-uterus fistula	11.79	NA	5.75	1.04	NA	18.58	090
51925		A	Hysterectomy/bladder repair	15.56	NA	8.62	1.79	NA	25.97	090
51940		A	Correction of bladder defect	28.39	NA	12.36	2.38	NA	43.13	090
51960		A	Revision of bladder & bowel	22.98	NA	9.87	1.70	NA	34.55	090
51980		A	Construct bladder opening	11.34	NA	5.49	0.89	NA	17.72	090
51990		A	Laparo urethral suspension	12.48	NA	6.18	1.23	NA	19.89	090
51992		A	Laparo sling operation	13.99	NA	6.24	1.12	NA	21.35	090
52000		A	Cystoscopy	2.01	3.38	0.76	0.14	5.53	2.91	000
52001		A	Cystoscopy, removal of clots	5.44	5.18	1.87	0.39	11.01	7.70	000
52005		A	Cystoscopy & ureter catheter	2.37	5.98	0.90	0.18	8.53	3.45	000
52007		A	Cystoscopy and biopsy	3.02	NA	1.15	0.22	NA	4.39	000
52010		A	Cystoscopy & duct catheter	3.02	NA	1.13	0.22	NA	4.37	000
52204		A	Cystoscopy	2.37	3.63	0.91	0.18	6.18	3.46	000
52214		A	Cystoscopy and treatment	3.70	NA	1.33	0.27	NA	5.30	000
52224		A	Cystoscopy and treatment	3.14	NA	1.15	0.22	NA	4.51	000
52234		A	Cystoscopy and treatment	4.62	NA	1.63	0.33	NA	6.58	000
52235		A	Cystoscopy and treatment	5.44	NA	1.90	0.39	NA	7.73	000
52240		A	Cystoscopy and treatment	9.71	NA	3.30	0.70	NA	13.71	000
52250		A	Cystoscopy and radiotracer	4.49	NA	1.66	0.33	NA	6.48	000
52260		A	Cystoscopy and treatment	3.91	NA	1.43	0.28	NA	5.62	000
52265		A	Cystoscopy and treatment	2.94	3.75	1.12	0.22	6.91	4.28	000
52270		A	Cystoscopy & revise urethra	3.36	NA	1.25	0.24	NA	4.85	000
52275		A	Cystoscopy & revise urethra	4.69	NA	1.67	0.34	NA	6.70	000
52276		A	Cystoscopy and treatment	4.99	NA	1.79	0.36	NA	7.14	000
52277		A	Cystoscopy and treatment	6.16	NA	2.26	0.46	NA	8.88	000
52281		A	Cystoscopy and treatment	2.80	7.43	1.08	0.21	10.44	4.09	000
52282		A	Cystoscopy, implant stent	6.39	NA	2.24	0.46	NA	9.09	000
52283		A	Cystoscopy and treatment	3.73	4.03	1.39	0.27	8.03	5.39	000
52285		A	Cystoscopy and treatment	3.60	4.10	1.34	0.27	7.97	5.21	000
52290		A	Cystoscopy and treatment	4.58	NA	1.66	0.33	NA	6.57	000
52300		A	Cystoscopy and treatment	5.30	NA	1.91	0.39	NA	7.60	000
52301		A	Cystoscopy and treatment	5.50	NA	2.00	0.47	NA	7.97	000
52305		A	Cystoscopy and treatment	5.30	NA	1.86	0.37	NA	7.53	000
52310		A	Cystoscopy and treatment	2.81	3.53	1.04	0.21	6.55	4.06	000
52315		A	Cystoscopy and treatment	5.20	NA	1.84	0.37	NA	7.41	000
52317		A	Remove bladder stone	6.71	NA	2.28	0.48	NA	9.47	000
52318		A	Remove bladder stone	9.18	NA	3.10	0.65	NA	12.93	000
52320		A	Cystoscopy and treatment	4.69	NA	1.64	0.34	NA	6.67	000
52325		A	Cystoscopy, stone removal	6.15	NA	2.11	0.45	NA	8.71	000
52327		A	Cystoscopy, inject material	5.18	NA	1.83	0.39	NA	7.40	000
52330		A	Cystoscopy and treatment	5.03	NA	1.76	0.36	NA	7.15	000
52332		A	Cystoscopy and treatment	2.83	NA	1.06	0.21	NA	4.10	000
52334		A	Create passage to kidney	4.82	NA	1.76	0.34	NA	6.92	000
52341		A	Cysto w/ureter stricture tx	5.99	NA	2.22	0.45	NA	8.66	000
52342		A	Cysto w/up stricture tx	6.49	NA	2.35	0.48	NA	9.32	000
52343		A	Cysto w/renal stricture tx	7.19	NA	2.59	0.53	NA	10.31	000
52344		A	Cysto/uretero, stone remove	7.69	NA	2.80	0.57	NA	11.06	000
52345		A	Cysto/uretero w/up stricture	8.19	NA	2.96	0.60	NA	11.75	000
52346		A	Cystouretero w/renal strict	9.22	NA	3.29	0.69	NA	13.20	000
52347		A	Cystoscopy, resect ducts	5.27	NA	1.71	0.40	NA	7.38	000
52351		A	Cystouretero & or pyeloscope	5.85	NA	2.14	0.43	NA	8.42	000
52352		A	Cystouretero w/stone remove	6.87	NA	2.51	0.51	NA	9.89	000
52353		A	Cystouretero w/lithotripsy	7.96	NA	2.86	0.59	NA	11.41	000
52354		A	Cystouretero w/biopsy	7.33	NA	2.67	0.54	NA	10.54	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
52355		A	Cystouretero w/excise tumor	8.81	NA	3.15	0.66	NA	12.62	000
52400		A	Cystouretero w/congen repr	9.67	NA	3.78	0.72	NA	14.17	090
52450		A	Incision of prostate	7.63	NA	3.71	0.55	NA	11.89	090
52500		A	Revision of bladder neck	8.46	NA	3.96	0.60	NA	13.02	090
52510		A	Dilation prostatic urethra	6.71	NA	3.14	0.48	NA	10.33	090
52601		A	Prostatectomy (TURP)	12.35	NA	5.15	0.89	NA	18.39	090
52606		A	Control postop bleeding	8.12	NA	3.58	0.59	NA	12.29	090
52612		A	Prostatectomy, first stage	7.97	NA	3.77	0.58	NA	12.32	090
52614		A	Prostatectomy, second stage	6.83	NA	3.38	0.49	NA	10.70	090
52620		A	Remove residual prostate	6.60	NA	3.01	0.47	NA	10.08	090
52630		A	Remove prostate regrowth	7.25	NA	3.22	0.52	NA	10.99	090
52640		A	Relieve bladder contracture	6.61	NA	2.98	0.47	NA	10.06	090
52647		A	Laser surgery of prostate	10.34	76.71	4.57	0.74	87.79	15.65	090
52648		A	Laser surgery of prostate	11.19	NA	4.84	0.80	NA	16.83	090
52700		A	Drainage of prostate abscess	6.79	NA	3.21	0.49	NA	10.49	090
53000		A	Incision of urethra	2.28	NA	1.57	0.16	NA	4.01	010
53010		A	Incision of urethra	3.63	NA	3.02	0.24	NA	6.89	090
53020		A	Incision of urethra	1.77	3.10	0.67	0.13	5.00	2.57	000
53025		A	Incision of urethra	1.13	3.87	0.51	0.08	5.08	1.72	000
53040		A	Drainage of urethra abscess	6.39	11.28	6.33	0.49	18.16	13.21	090
53060		A	Drainage of urethra abscess	2.63	NA	1.45	0.28	NA	4.36	010
53080		A	Drainage of urinary leakage	6.28	NA	6.17	0.51	NA	12.96	090
53085		A	Drainage of urinary leakage	10.25	NA	7.63	0.81	NA	18.69	090
53200		A	Biopsy of urethra	2.59	4.29	0.98	0.21	7.09	3.78	000
53210		A	Removal of urethra	12.55	NA	5.98	0.98	NA	19.51	090
53215		A	Removal of urethra	15.56	NA	6.77	1.12	NA	23.45	090
53220		A	Treatment of urethra lesion	6.99	NA	3.84	0.53	NA	11.36	090
53230		A	Removal of urethra lesion	9.57	NA	4.84	0.72	NA	15.13	090
53235		A	Removal of urethra lesion	10.12	NA	5.02	0.72	NA	15.86	090
53240		A	Surgery for urethra pouch	6.44	NA	3.64	0.51	NA	10.59	090
53250		A	Removal of urethra gland	5.88	NA	3.38	0.42	NA	9.68	090
53260		A	Treatment of urethra lesion	2.98	3.28	1.80	0.28	6.54	5.06	010
53265		A	Treatment of urethra lesion	3.12	NA	1.84	0.24	NA	5.20	010
53270		A	Removal of urethra gland	3.09	NA	1.87	0.25	NA	5.21	010
53275		A	Repair of urethra defect	4.52	NA	2.28	0.34	NA	7.14	010
53400		A	Revise urethra, stage 1	12.75	NA	6.10	1.03	NA	19.88	090
53405		A	Revise urethra, stage 2	14.46	NA	6.45	1.10	NA	22.01	090
53410		A	Reconstruction of urethra	16.42	NA	7.20	1.19	NA	24.81	090
53415		A	Reconstruction of urethra	19.38	NA	7.47	1.40	NA	28.25	090
53420		A	Reconstruct urethra, stage 1	14.06	NA	6.45	1.09	NA	21.60	090
53425		A	Reconstruct urethra, stage 2	15.96	NA	7.05	1.17	NA	24.18	090
53430		A	Reconstruction of urethra	16.32	NA	7.13	1.22	NA	24.67	090
53431		A	Reconstruct urethra/bladder	19.86	NA	8.17	1.57	NA	29.60	090
53440		A	Male sling procedure	13.60	NA	6.04	0.88	NA	20.52	090
53442		A	Remove/revise male sling	11.55	NA	5.51	0.66	NA	17.72	090
53444		A	Insert tandem cuff	13.38	NA	5.91	1.06	NA	20.35	090
53445		A	Insert uro/ves nck sphincter	14.04	NA	7.26	1.01	NA	22.31	090
53446		A	Remove uro sphincter	10.21	NA	5.27	0.81	NA	16.29	090
53447		A	Remove/replace ur sphincter	13.47	NA	6.48	0.95	NA	20.90	090
53448		A	Remov/replc ur sphinctr comp	21.12	NA	9.13	1.68	NA	31.93	090
53449		A	Repair uro sphincter	9.69	NA	4.85	0.69	NA	15.23	090
53450		A	Revision of urethra	6.13	NA	3.40	0.45	NA	9.98	090
53460		A	Revision of urethra	7.11	NA	3.82	0.52	NA	11.45	090
53500		A	Urethrlys, transvag w/ scope	12.19	NA	6.19	0.89	NA	19.27	090
53502		A	Repair of urethra injury	7.62	NA	4.11	0.60	NA	12.33	090
53505		A	Repair of urethra injury	7.62	NA	3.99	0.55	NA	12.16	090
53510		A	Repair of urethra injury	10.09	NA	5.29	0.72	NA	16.10	090
53515		A	Repair of urethra injury	13.29	NA	6.05	1.00	NA	20.34	090
53520		A	Repair of urethra defect	8.67	NA	4.60	0.64	NA	13.91	090
53600		A	Dilate urethra stricture	1.21	1.17	0.43	0.08	2.46	1.72	000
53601		A	Dilate urethra stricture	0.98	1.30	0.38	0.07	2.35	1.43	000
53605		A	Dilate urethra stricture	1.28	NA	0.41	0.10	NA	1.79	000
53620		A	Dilate urethra stricture	1.62	2.04	0.60	0.12	3.78	2.34	000
53621		A	Dilate urethra stricture	1.35	2.13	0.50	0.10	3.58	1.95	000
53660		A	Dilation of urethra	0.71	1.34	0.33	0.05	2.10	1.09	000
53661		A	Dilation of urethra	0.72	1.34	0.30	0.05	2.11	1.07	000
53665		A	Dilation of urethra	0.76	NA	0.26	0.06	NA	1.08	000
53850		A	Prostatic microwave thermotx	9.44	97.84	4.30	0.68	107.96	14.42	090
53852		A	Prostatic rf thermotx	9.87	93.04	4.69	0.70	103.61	15.26	090
53853		A	Prostatic water thermother	5.23	57.88	3.18	0.33	63.44	8.74	090
53899		C	Urology surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54000		A	Slitting of prepuce	1.54	NA	1.33	0.12	NA	2.99	010
54001		A	Slitting of prepuce	2.19	4.30	1.51	0.17	6.66	3.87	010
54015		A	Drain penis lesion	5.31	NA	2.59	0.40	NA	8.30	010
54050		A	Destruction, penis lesion(s)	1.24	1.69	1.05	0.08	3.01	2.37	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
54055		A	Destruction, penis lesion(s)	1.22	1.60	0.80	0.08	2.90	2.10	010
54056		A	Cryosurgery, penis lesion(s)	1.24	2.48	1.35	0.07	3.79	2.66	010
54057		A	Laser surg, penis lesion(s)	1.24	NA	0.87	0.10	NA	2.21	010
54060		A	Excision of penis lesion(s)	1.93	3.88	1.45	0.14	5.95	3.52	010
54065		A	Destruction, penis lesion(s)	2.42	NA	1.72	0.16	NA	4.30	010
54100		A	Biopsy of penis	1.90	2.87	0.82	0.12	4.89	2.84	000
54105		A	Biopsy of penis	3.49	NA	1.96	0.25	NA	5.70	010
54110		A	Treatment of penis lesion	10.11	NA	5.64	0.72	NA	16.47	090
54111		A	Treat penis lesion, graft	13.55	NA	6.69	0.95	NA	21.19	090
54112		A	Treat penis lesion, graft	15.84	NA	7.69	1.13	NA	24.66	090
54115		A	Treatment of penis lesion	6.14	8.53	4.47	0.47	15.14	11.08	090
54120		A	Partial removal of penis	9.96	NA	5.60	0.72	NA	16.28	090
54125		A	Removal of penis	13.51	NA	6.75	0.98	NA	21.24	090
54130		A	Remove penis & nodes	20.11	NA	9.10	1.44	NA	30.65	090
54135		A	Remove penis & nodes	26.32	NA	11.10	1.91	NA	39.33	090
54150		A	Circumcision	1.81	NA	0.97	0.21	NA	2.99	010
54152		A	Circumcision	2.31	NA	1.20	0.19	NA	3.70	010
54160		A	Circumcision	2.48	NA	1.11	0.19	NA	3.78	010
54161		A	Circumcision	3.27	NA	1.57	0.24	NA	5.08	010
54162		A	Lysis penil circumic lesion	3.00	NA	2.00	0.24	NA	5.24	010
54163		A	Repair of circumcision	3.00	NA	2.01	0.24	NA	5.25	010
54164		A	Frenulotomy of penis	2.50	NA	1.85	0.19	NA	4.54	010
54200		A	Treatment of penis lesion	1.06	1.85	0.99	0.07	2.98	2.12	010
54205		A	Treatment of penis lesion	7.92	NA	4.83	0.57	NA	13.32	090
54220		A	Treatment of penis lesion	2.42	3.94	0.96	0.18	6.54	3.56	000
54230		A	Prepare penis study	1.34	1.12	0.62	0.10	2.56	2.06	000
54231		A	Dynamic cavernosometry	2.04	1.40	0.87	0.17	3.61	3.08	000
54235		A	Penile injection	1.19	0.98	0.58	0.08	2.25	1.85	000
54240		A	Penis study	1.31	1.01	NA	0.16	2.48	NA	000
54240	26	A	Penis study	1.31	0.42	0.42	0.10	1.83	1.83	000
54240	TC	A	Penis study	0.00	0.59	NA	0.06	0.65	NA	000
54250		A	Penis study	2.22	0.93	NA	0.19	3.34	NA	000
54250	26	A	Penis study	2.22	0.71	0.71	0.17	3.10	3.10	000
54250	TC	A	Penis study	0.00	0.22	NA	0.02	0.24	NA	000
54300		A	Revision of penis	10.39	NA	5.75	0.77	NA	16.91	090
54304		A	Revision of penis	12.47	NA	6.54	0.89	NA	19.90	090
54308		A	Reconstruction of urethra	11.81	NA	6.17	0.84	NA	18.82	090
54312		A	Reconstruction of urethra	13.55	NA	7.20	0.98	NA	21.73	090
54316		A	Reconstruction of urethra	16.79	NA	8.15	1.21	NA	26.15	090
54318		A	Reconstruction of urethra	11.23	NA	6.00	1.39	NA	18.62	090
54322		A	Reconstruction of urethra	12.99	NA	6.63	0.93	NA	20.55	090
54324		A	Reconstruction of urethra	16.29	NA	8.22	1.24	NA	25.75	090
54326		A	Reconstruction of urethra	15.70	NA	8.00	1.12	NA	24.82	090
54328		A	Revise penis/urethra	15.63	NA	7.45	1.11	NA	24.19	090
54332		A	Revise penis/urethra	17.05	NA	7.93	1.22	NA	26.20	090
54336		A	Revise penis/urethra	20.01	NA	10.71	2.29	NA	33.01	090
54340		A	Secondary urethral surgery	8.90	NA	5.25	0.87	NA	15.02	090
54344		A	Secondary urethral surgery	15.92	NA	7.97	1.33	NA	25.22	090
54348		A	Secondary urethral surgery	17.12	NA	8.60	1.23	NA	26.95	090
54352		A	Reconstruct urethra/penis	24.70	NA	11.50	1.95	NA	38.15	090
54360		A	Penis plastic surgery	11.91	NA	6.19	0.87	NA	18.97	090
54380		A	Repair penis	13.16	NA	6.83	1.40	NA	21.39	090
54385		A	Repair penis	15.37	NA	8.49	0.86	NA	24.72	090
54390		A	Repair penis and bladder	21.58	NA	9.61	1.54	NA	32.73	090
54400		A	Insert semi-rigid prosthesis	8.98	NA	4.47	0.64	NA	14.09	090
54401		A	Insert self-contd prosthesis	10.26	NA	5.83	0.74	NA	16.83	090
54405		A	Insert multi-comp penis pros	13.41	NA	6.06	0.96	NA	20.43	090
54406		A	Remove muti-comp penis pros	12.08	NA	5.46	0.90	NA	18.44	090
54408		A	Repair multi-comp penis pros	12.73	NA	5.77	0.95	NA	19.45	090
54410		A	Remove/replace penis prosth	15.48	NA	6.66	1.16	NA	23.30	090
54411		A	Remov/replc penis pros, comp	15.98	NA	7.09	0.96	NA	24.03	090
54415		A	Remove self-contd penis pros	8.19	NA	4.22	0.65	NA	13.06	090
54416		A	Remv/repl penis contain pros	10.85	NA	5.41	0.66	NA	16.92	090
54417		A	Remv/replc penis pros, compl	14.17	NA	6.21	0.66	NA	21.04	090
54420		A	Revision of penis	11.40	NA	5.71	0.87	NA	17.98	090
54430		A	Revision of penis	10.13	NA	5.25	0.72	NA	16.10	090
54435		A	Revision of penis	6.11	NA	3.73	0.43	NA	10.27	090
54440		C	Repair of penis	0.00	0.00	0.00	0.00	0.00	0.00	090
54450		A	Preputial stretching	1.12	1.11	0.47	0.08	2.31	1.67	000
54500		A	Biopsy of testis	1.31	0.61	0.56	0.10	2.02	1.97	000
54505		A	Biopsy of testis	3.45	NA	1.93	0.25	NA	5.63	010
54512		A	Excise lesion testis	8.57	NA	4.15	0.68	NA	13.40	090
54520		A	Removal of testis	5.22	NA	2.85	0.40	NA	8.47	090
54522		A	Orchiectomy, partial	9.49	NA	4.91	0.75	NA	15.15	090
54530		A	Removal of testis	8.57	NA	4.31	0.64	NA	13.52	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
54535		A	Extensive testis surgery	12.14	NA	5.66	1.00	NA	18.80	090
54550		A	Exploration for testis	7.77	NA	3.90	0.59	NA	12.26	090
54560		A	Exploration for testis	11.11	NA	5.28	0.95	NA	17.34	090
54600		A	Reduce testis torsion	7.00	NA	3.61	0.54	NA	11.15	090
54620		A	Suspension of testis	4.89	NA	2.47	0.37	NA	7.73	010
54640		A	Suspension of testis	6.89	NA	3.80	0.59	NA	11.28	090
54650		A	Orchiopexy (Fowler-Stephens)	11.43	NA	5.52	0.98	NA	17.93	090
54660		A	Revision of testis	5.10	NA	3.05	0.42	NA	8.57	090
54670		A	Repair testis injury	6.40	NA	3.61	0.49	NA	10.50	090
54680		A	Relocation of testis(es)	12.63	NA	6.29	1.13	NA	20.05	090
54690		A	Laparoscopy, orchiectomy	10.94	NA	5.06	1.19	NA	17.19	090
54692		A	Laparoscopy, orchiopexy	12.86	NA	5.45	1.05	NA	19.36	090
54699		C	Laparoscope proc, testis	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54700		A	Drainage of scrotum	3.42	NA	1.95	0.28	NA	5.65	010
54800		A	Biopsy of epididymis	2.33	0.95	0.90	0.17	3.45	3.40	000
54820		A	Exploration of epididymis	5.13	NA	3.00	0.40	NA	8.53	090
54830		A	Remove epididymis lesion	5.37	NA	3.08	0.41	NA	8.86	090
54840		A	Remove epididymis lesion	5.19	NA	2.84	0.37	NA	8.40	090
54860		A	Removal of epididymis	6.31	NA	3.37	0.46	NA	10.14	090
54861		A	Removal of epididymis	8.89	NA	4.38	0.63	NA	13.90	090
54900		A	Fusion of spermatic ducts	13.18	NA	5.86	1.62	NA	20.66	090
54901		A	Fusion of spermatic ducts	17.91	NA	7.56	2.21	NA	27.68	090
55000		A	Drainage of hydrocele	1.43	2.11	0.65	0.12	3.66	2.20	000
55040		A	Removal of hydrocele	5.35	NA	2.96	0.42	NA	8.73	090
55041		A	Removal of hydroceles	7.73	NA	4.04	0.60	NA	12.37	090
55060		A	Repair of hydrocele	5.51	NA	3.13	0.45	NA	9.09	090
55100		A	Drainage of scrotum abscess	2.13	3.77	1.59	0.18	6.08	3.90	010
55110		A	Explore scrotum	5.69	NA	3.18	0.43	NA	9.30	090
55120		A	Removal of scrotum lesion	5.08	5.76	2.98	0.40	11.24	8.46	090
55150		A	Removal of scrotum	7.21	NA	3.96	0.57	NA	11.74	090
55175		A	Revision of scrotum	5.23	NA	3.06	0.40	NA	8.69	090
55180		A	Revision of scrotum	10.70	NA	5.46	0.87	NA	17.03	090
55200		A	Incision of sperm duct	4.23	5.53	2.41	0.30	10.06	6.94	090
55250		A	Removal of sperm duct(s)	3.29	9.07	2.78	0.25	12.61	6.32	090
55300		A	Prepare, sperm duct x-ray	3.50	NA	1.31	0.24	NA	5.05	000
55400		A	Repair of sperm duct	8.48	NA	4.17	0.60	NA	13.25	090
55450		A	Ligation of sperm duct	4.11	7.21	1.87	0.29	11.61	6.27	010
55500		A	Removal of hydrocele	5.58	NA	3.15	0.52	NA	9.25	090
55520		A	Removal of sperm cord lesion	6.02	NA	3.31	0.68	NA	10.01	090
55530		A	Revise spermatic cord veins	5.65	NA	3.07	0.43	NA	9.15	090
55535		A	Revise spermatic cord veins	6.55	NA	3.45	0.51	NA	10.51	090
55540		A	Revise hernia & sperm veins	7.66	NA	3.86	0.89	NA	12.41	090
55550		A	Laparo ligate spermatic vein	6.56	NA	3.32	0.57	NA	10.45	090
55559		C	Laparo proc, spermatic cord	0.00	0.00	0.00	0.00	0.00	0.00	YYY
55600		A	Incise sperm duct pouch	6.37	NA	3.39	0.46	NA	10.22	090
55605		A	Incise sperm duct pouch	7.95	NA	4.36	0.65	NA	12.96	090
55650		A	Remove sperm duct pouch	11.78	NA	5.35	0.87	NA	18.00	090
55680		A	Remove sperm pouch lesion	5.18	NA	3.03	0.37	NA	8.58	090
55700		A	Biopsy of prostate	1.57	4.33	0.71	0.12	6.02	2.40	000
55705		A	Biopsy of prostate	4.56	NA	2.32	0.31	NA	7.19	010
55720		A	Drainage of prostate abscess	7.63	NA	3.95	0.53	NA	12.11	090
55725		A	Drainage of prostate abscess	8.67	NA	4.62	0.62	NA	13.91	090
55801		A	Removal of prostate	17.77	NA	7.38	1.30	NA	26.45	090
55810		A	Extensive prostate surgery	22.55	NA	8.71	1.63	NA	32.89	090
55812		A	Extensive prostate surgery	27.47	NA	11.14	2.04	NA	40.65	090
55815		A	Extensive prostate surgery	30.41	NA	12.07	2.22	NA	44.70	090
55821		A	Removal of prostate	14.23	NA	6.32	1.03	NA	21.58	090
55831		A	Removal of prostate	15.60	NA	6.77	1.13	NA	23.50	090
55840		A	Extensive prostate surgery	22.66	NA	9.44	1.65	NA	33.75	090
55842		A	Extensive prostate surgery	24.34	NA	10.01	1.79	NA	36.14	090
55845		A	Extensive prostate surgery	28.51	NA	11.11	2.06	NA	41.68	090
55859		A	Percut/needle insert, pros	12.50	NA	5.91	0.89	NA	19.30	090
55860		A	Surgical exposure, prostate	14.43	NA	6.44	0.99	NA	21.86	090
55862		A	Extensive prostate surgery	18.36	NA	7.96	1.37	NA	27.69	090
55865		A	Extensive prostate surgery	22.84	NA	9.38	1.65	NA	33.87	090
55866		A	Laparo radical prostatectomy	30.69	NA	11.81	1.65	NA	44.15	090
55870		A	Electroejaculation	2.58	1.54	1.09	0.17	4.29	3.84	000
55873		A	Cryoablate prostate	19.44	NA	9.02	1.23	NA	29.69	090
55899		C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
55970		N	Sex transformation, M to F	0.00	0.00	0.00	0.00	0.00	0.00	XXX
55980		N	Sex transformation, F to M	0.00	0.00	0.00	0.00	0.00	0.00	XXX
56405		A	I & D of vulva/perineum	1.44	1.33	1.15	0.17	2.94	2.76	010
56420		A	Drainage of gland abscess	1.39	2.29	1.09	0.16	3.84	2.64	010
56440		A	Surgery for vulva lesion	2.84	NA	1.71	0.34	NA	4.89	010
56441		A	Lysis of labial lesion(s)	1.97	1.83	1.42	0.21	4.01	3.60	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
56501		A	Destroy, vulva lesions, sim	1.53	1.79	1.25	0.18	3.50	2.96	010
56515		A	Destroy vulva lesion/s compl	2.76	2.55	1.81	0.22	5.53	4.79	010
56605		A	Biopsy of vulva/perineum	1.10	1.09	0.46	0.13	2.32	1.69	000
56606		A	Biopsy of vulva/perineum	0.55	0.49	0.22	0.07	1.11	0.84	ZZZ
56620		A	Partial removal of vulva	7.46	NA	4.84	0.92	NA	13.22	090
56625		A	Complete removal of vulva	8.39	NA	5.39	1.01	NA	14.79	090
56630		A	Extensive vulva surgery	12.34	NA	6.96	1.48	NA	20.78	090
56631		A	Extensive vulva surgery	16.18	NA	8.96	1.97	NA	27.11	090
56632		A	Extensive vulva surgery	20.26	NA	9.62	2.45	NA	32.33	090
56633		A	Extensive vulva surgery	16.45	NA	8.70	2.00	NA	27.15	090
56634		A	Extensive vulva surgery	17.85	NA	9.59	2.15	NA	29.59	090
56637		A	Extensive vulva surgery	21.94	NA	11.23	2.63	NA	35.80	090
56640		A	Extensive vulva surgery	22.14	NA	10.80	2.73	NA	35.67	090
56700		A	Partial removal of hymen	2.52	NA	1.73	0.29	NA	4.54	010
56720		A	Incision of hymen	0.68	NA	0.39	0.08	NA	1.15	000
56740		A	Remove vagina gland lesion	4.56	NA	2.47	0.45	NA	7.48	010
56800		A	Repair of vagina	3.88	NA	2.19	0.45	NA	6.52	010
56805		A	Repair clitoris	18.83	NA	9.43	2.20	NA	30.46	090
56810		A	Repair of perineum	4.12	NA	2.30	0.49	NA	6.91	010
56820		A	Exam of vulva w/scope	1.50	1.34	0.63	0.12	2.96	2.25	000
56821		A	Exam/biopsy of vulva w/scope	2.05	1.78	0.90	0.16	3.99	3.11	000
57000		A	Exploration of vagina	2.97	NA	1.73	0.34	NA	5.04	010
57010		A	Drainage of pelvic abscess	6.02	NA	3.85	0.69	NA	10.56	090
57020		A	Drainage of pelvic fluid	1.50	0.95	0.59	0.18	2.63	2.27	000
57022		A	I & d vaginal hematoma, pp	2.56	NA	1.50	0.29	NA	4.35	010
57023		A	I & d vag hematoma, non-ob	4.74	NA	2.59	0.29	NA	7.62	010
57061		A	Destroy vag lesions, simple	1.25	1.66	1.12	0.16	3.07	2.53	010
57065		A	Destroy vag lesions, complex	2.61	2.30	1.68	0.31	5.22	4.60	010
57100		A	Biopsy of vagina	1.20	1.10	0.48	0.12	2.42	1.80	000
57105		A	Biopsy of vagina	1.69	1.93	1.32	0.21	3.83	3.22	010
57106		A	Remove vagina wall, partial	6.35	NA	4.20	0.70	NA	11.25	090
57107		A	Remove vagina tissue, part	22.97	NA	10.50	2.62	NA	36.09	090
57109		A	Vaginectomy partial w/nodes	26.96	NA	11.34	2.38	NA	40.68	090
57110		A	Remove vagina wall, complete	14.27	NA	7.31	1.72	NA	23.30	090
57111		A	Remove vagina tissue, compl	26.96	NA	12.64	3.27	NA	42.87	090
57112		A	Vaginectomy w/nodes, compl	28.96	NA	12.19	2.64	NA	43.79	090
57120		A	Closure of vagina	7.40	NA	4.64	0.90	NA	12.94	090
57130		A	Remove vagina lesion	2.43	2.17	1.55	0.28	4.88	4.26	010
57135		A	Remove vagina lesion	2.67	2.27	1.66	0.31	5.25	4.64	010
57150		A	Treat vagina infection	0.55	1.11	0.22	0.07	1.73	0.84	000
57155		A	Insert uteri tandems/ovoids	6.26	NA	4.17	0.71	NA	11.14	090
57160		A	Insert pessary/other device	0.89	1.09	0.38	0.11	2.09	1.38	000
57170		A	Fitting of diaphragm/cap	0.91	1.49	0.34	0.11	2.51	1.36	000
57180		A	Treat vaginal bleeding	1.58	2.18	1.29	0.19	3.95	3.06	010
57200		A	Repair of vagina	3.93	NA	2.91	0.46	NA	7.30	090
57210		A	Repair vagina/perineum	5.16	NA	3.44	0.60	NA	9.20	090
57220		A	Revision of urethra	4.30	NA	3.12	0.51	NA	7.93	090
57230		A	Repair of urethral lesion	5.63	NA	3.42	0.60	NA	9.65	090
57240		A	Repair bladder & vagina	6.06	NA	3.84	0.64	NA	10.54	090
57250		A	Repair rectum & vagina	5.52	NA	3.59	0.65	NA	9.76	090
57260		A	Repair of vagina	8.26	NA	4.86	1.00	NA	14.12	090
57265		A	Extensive repair of vagina	11.32	NA	6.06	1.37	NA	18.75	090
57268		A	Repair of bowel bulge	6.75	NA	4.21	0.80	NA	11.76	090
57270		A	Repair of bowel pouch	12.09	NA	6.28	1.41	NA	19.78	090
57280		A	Suspension of vagina	15.02	NA	7.39	1.74	NA	24.15	090
57282		A	Repair of vaginal prolapse	8.85	NA	5.32	1.04	NA	15.21	090
57284		A	Repair paravaginal defect	12.68	NA	7.17	1.41	NA	21.26	090
57287		A	Revise/remove sling repair	10.69	NA	5.52	0.89	NA	17.10	090
57288		A	Repair bladder defect	13.00	NA	5.95	1.04	NA	19.99	090
57289		A	Repair bladder & vagina	11.56	NA	6.07	1.15	NA	18.78	090
57291		A	Construction of vagina	7.94	NA	4.96	0.94	NA	13.84	090
57292		A	Construct vagina with graft	13.07	NA	6.98	1.56	NA	21.61	090
57300		A	Repair rectum-vagina fistula	7.60	NA	4.30	0.84	NA	12.74	090
57305		A	Repair rectum-vagina fistula	13.75	NA	6.30	1.60	NA	21.65	090
57307		A	Fistula repair & colostomy	15.91	NA	7.07	1.92	NA	24.90	090
57308		A	Fistula repair, transperine	9.93	NA	5.15	1.10	NA	16.18	090
57310		A	Repair urethrovaginal lesion	6.77	NA	3.90	0.54	NA	11.21	090
57311		A	Repair urethrovaginal lesion	7.97	NA	4.18	0.62	NA	12.77	090
57320		A	Repair bladder-vagina lesion	8.00	NA	4.43	0.72	NA	13.15	090
57330		A	Repair bladder-vagina lesion	12.33	NA	5.78	1.04	NA	19.15	090
57335		A	Repair vagina	18.70	NA	9.10	2.00	NA	29.80	090
57400		A	Dilation of vagina	2.27	NA	1.13	0.27	NA	3.67	000
57410		A	Pelvic examination	1.75	2.02	0.89	0.17	3.94	2.81	000
57415		A	Remove vaginal foreign body	2.17	NA	1.43	0.23	NA	3.83	010
57420		A	Exam of vagina w/scope	1.60	1.38	0.67	0.12	3.10	2.39	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
57421		A	Exam/biopsy of vag w/scope	2.20	1.87	0.96	0.16	4.23	3.32	000
57425		A	Laparoscopy, surg, colpopexy	15.73	NA	6.69	1.74	NA	24.16	090
57452		A	Exam of cervix w/scope	1.50	1.40	0.63	0.12	3.02	2.25	000
57454		A	Bx/curett of cervix w/scope	2.33	1.76	1.00	0.16	4.25	3.49	000
57455		A	Biopsy of cervix w/scope	1.99	1.75	0.87	0.16	3.90	3.02	000
57456		A	Endocerv curettage w/scope	1.85	1.68	0.82	0.16	3.69	2.83	000
57460		A	Bx of cervix w/scope, leep	2.83	6.03	1.22	0.34	9.20	4.39	000
57461		A	Conz of cervix w/scope, leep	3.43	6.30	1.41	0.34	10.07	5.18	000
57500		A	Biopsy of cervix	0.97	2.66	0.47	0.12	3.75	1.56	000
57505		A	Endocervical curettage	1.14	1.47	1.10	0.14	2.75	2.38	010
57510		A	Cauterization of cervix	1.90	1.57	1.05	0.22	3.69	3.17	010
57511		A	Cryocautery of cervix	1.90	1.84	1.38	0.22	3.96	3.50	010
57513		A	Laser surgery of cervix	1.90	1.87	1.41	0.23	4.00	3.54	010
57520		A	Conization of cervix	4.03	4.88	2.77	0.49	9.40	7.29	090
57522		A	Conization of cervix	3.35	4.35	2.67	0.41	8.11	6.43	090
57530		A	Removal of cervix	4.78	NA	3.43	0.58	NA	8.79	090
57531		A	Removal of cervix, radical	27.96	NA	13.23	2.97	NA	44.16	090
57540		A	Removal of residual cervix	12.20	NA	6.27	1.46	NA	19.93	090
57545		A	Remove cervix/repair pelvis	13.01	NA	6.70	1.57	NA	21.28	090
57550		A	Removal of residual cervix	5.52	NA	3.86	0.66	NA	10.04	090
57555		A	Remove cervix/repair vagina	8.94	NA	5.14	1.07	NA	15.15	090
57556		A	Remove cervix, repair bowel	8.36	NA	4.88	0.96	NA	14.20	090
57700		A	Revision of cervix	3.54	NA	3.10	0.40	NA	7.04	090
57720		A	Revision of cervix	4.12	NA	3.15	0.49	NA	7.76	090
57800		A	Dilation of cervical canal	0.77	0.76	0.47	0.10	1.63	1.34	000
57820		A	D & c of residual cervix	1.67	1.49	1.14	0.21	3.37	3.02	010
58100		A	Biopsy of uterus lining	1.53	1.33	0.72	0.08	2.94	2.33	000
58120		A	Dilation and curettage	3.27	2.31	1.87	0.40	5.98	5.54	010
58140		A	Myomectomy abdom method	14.58	NA	7.13	1.76	NA	23.47	090
58145		A	Myomectomy vag method	8.03	NA	4.84	0.96	NA	13.83	090
58146		A	Myomectomy abdom complex	18.97	NA	8.79	1.76	NA	29.52	090
58150		A	Total hysterectomy	15.22	NA	7.52	1.89	NA	24.63	090
58152		A	Total hysterectomy	20.57	NA	9.89	1.83	NA	32.29	090
58180		A	Partial hysterectomy	15.27	NA	7.49	1.86	NA	24.62	090
58200		A	Extensive hysterectomy	21.56	NA	10.05	2.59	NA	34.20	090
58210		A	Extensive hysterectomy	28.81	NA	13.27	3.51	NA	45.59	090
58240		A	Removal of pelvis contents	38.33	NA	17.72	4.53	NA	60.58	090
58260		A	Vaginal hysterectomy	12.96	NA	6.72	1.48	NA	21.16	090
58262		A	Vag hyst including t/o	14.75	NA	7.40	1.71	NA	23.86	090
58263		A	Vag hyst w/t/o & vag repair	16.04	NA	7.90	1.87	NA	25.81	090
58267		A	Vag hyst w/urinary repair	17.01	NA	8.42	1.82	NA	27.25	090
58270		A	Vag hyst w/enterocele repair	14.24	NA	7.10	1.65	NA	22.99	090
58275		A	Hysterectomy/revise vagina	15.74	NA	7.80	1.82	NA	25.36	090
58280		A	Hysterectomy/revise vagina	16.98	NA	8.28	1.86	NA	27.12	090
58285		A	Extensive hysterectomy	22.23	NA	10.02	2.27	NA	34.52	090
58290		A	Vag hyst complex	18.97	NA	8.92	1.48	NA	29.37	090
58291		A	Vag hyst incl t/o, complex	20.76	NA	9.89	1.71	NA	32.36	090
58292		A	Vag hyst t/o & repair, compl	22.05	NA	10.40	1.87	NA	34.32	090
58293		A	Vag hyst w/uro repair, compl	23.03	NA	10.91	1.82	NA	35.76	090
58294		A	Vag hyst w/enterocele, compl	20.25	NA	9.68	1.65	NA	31.58	090
58300		N	Insert intrauterine device	+1.01	1.42	0.38	0.12	2.55	1.51	XXX
58301		A	Remove intrauterine device	1.27	1.33	0.48	0.16	2.76	1.91	000
58321		A	Artificial insemination	0.92	1.15	0.37	0.12	2.19	1.41	000
58322		A	Artificial insemination	1.10	1.21	0.41	0.13	2.44	1.64	000
58323		A	Sperm washing	0.23	0.24	0.09	0.02	0.49	0.34	000
58340		A	Catheter for hysterography	0.88	6.08	0.65	0.10	7.06	1.63	000
58345		A	Reopen fallopian tube	4.65	NA	2.44	0.43	NA	7.52	010
58346		A	Insert heyman uteri capsule	6.74	NA	3.93	0.77	NA	11.44	090
58350		A	Reopen fallopian tube	1.01	1.50	0.93	0.12	2.63	2.06	010
58353		A	Endometr ablate, thermal	3.55	36.26	2.05	0.45	40.26	6.05	010
58400		A	Suspension of uterus	6.35	NA	3.97	0.75	NA	11.07	090
58410		A	Suspension of uterus	12.71	NA	6.48	1.31	NA	20.50	090
58520		A	Repair of ruptured uterus	11.90	NA	6.07	1.41	NA	19.38	090
58540		A	Revision of uterus	14.62	NA	6.98	1.54	NA	23.14	090
58545		A	Laparoscopic myomectomy	14.58	NA	7.19	1.75	NA	23.52	090
58546		A	Laparo-myomectomy, complex	18.97	NA	8.98	1.75	NA	29.70	090
58550		A	Laparo-asst vag hysterectomy	14.17	NA	7.31	1.74	NA	23.22	090
58552		A	Laparo-vag hyst incl t/o	15.98	NA	8.02	1.74	NA	25.74	090
58553		A	Laparo-vag hyst, complex	18.97	NA	8.97	1.48	NA	29.42	090
58554		A	Laparo-vag hyst w/t/o, compl	21.97	NA	10.46	1.48	NA	33.91	090
58555		A	Hysteroscopy, dx, sep proc	3.33	2.10	1.46	0.41	5.84	5.20	000
58558		A	Hysteroscopy, biopsy	4.74	NA	2.06	0.59	NA	7.39	000
58559		A	Hysteroscopy, lysis	6.16	NA	2.62	0.75	NA	9.53	000
58560		A	Hysteroscopy, resect septum	6.99	NA	2.97	0.86	NA	10.82	000
58561		A	Hysteroscopy, remove myoma	9.99	NA	4.18	1.23	NA	15.40	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
58562		A	Hysteroscopy, remove fb	5.20	NA	2.21	0.63	NA	8.04	000
58563		A	Hysteroscopy, ablation	6.16	NA	2.63	0.75	NA	9.54	000
58578		C	Laparo proc, uterus	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58579		C	Hysteroscope procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58600		A	Division of fallopian tube	5.59	NA	3.36	0.47	NA	9.42	090
58605		A	Division of fallopian tube	4.99	NA	3.15	0.40	NA	8.54	090
58611		A	Ligate oviduct(s) add-on	1.45	NA	0.57	0.08	NA	2.10	ZZZ
58615		A	Occlude fallopian tube(s)	3.89	NA	2.72	0.48	NA	7.09	010
58660		A	Laparoscopy, lysis	11.27	NA	5.28	1.37	NA	17.92	090
58661		A	Laparoscopy, remove adnexa	11.03	NA	5.14	1.35	NA	17.52	010
58662		A	Laparoscopy, excise lesions	11.77	NA	5.80	1.42	NA	18.99	090
58670		A	Laparoscopy, tubal cautery	5.59	NA	3.28	0.66	NA	9.53	090
58671		A	Laparoscopy, tubal block	5.59	NA	3.30	0.68	NA	9.57	090
58672		A	Laparoscopy, fimbrioplasty	12.86	NA	6.23	1.47	NA	20.56	090
58673		A	Laparoscopy, salpingostomy	13.72	NA	6.63	1.69	NA	22.04	090
58679		C	Laparo proc, oviduct-ovary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58700		A	Removal of fallopian tube	12.03	NA	6.01	0.77	NA	18.81	090
58720		A	Removal of ovary/tube(s)	11.34	NA	5.81	1.37	NA	18.52	090
58740		A	Revise fallopian tube(s)	13.98	NA	7.16	0.71	NA	21.85	090
58750		A	Repair oviduct	14.82	NA	7.41	1.83	NA	24.06	090
58752		A	Revise ovarian tube(s)	14.82	NA	6.99	1.82	NA	23.63	090
58760		A	Remove tubal obstruction	13.11	NA	6.75	1.62	NA	21.48	090
58770		A	Create new tubal opening	13.95	NA	6.95	1.71	NA	22.61	090
58800		A	Drainage of ovarian cyst(s)	4.13	4.49	2.99	0.43	9.05	7.55	090
58805		A	Drainage of ovarian cyst(s)	5.87	NA	3.55	0.68	NA	10.10	090
58820		A	Drain ovary abscess, open	4.21	NA	3.34	0.35	NA	7.90	090
58822		A	Drain ovary abscess, percut	10.11	NA	5.24	1.11	NA	16.46	090
58823		A	Drain pelvic abscess, percut	3.37	NA	1.12	0.22	NA	4.71	000
58825		A	Transposition, ovary(s)	10.96	NA	5.82	0.75	NA	17.53	090
58900		A	Biopsy of ovary(s)	5.98	NA	3.61	0.68	NA	10.27	090
58920		A	Partial removal of ovary(s)	11.34	NA	5.62	0.82	NA	17.78	090
58925		A	Removal of ovarian cyst(s)	11.34	NA	5.71	1.37	NA	18.42	090
58940		A	Removal of ovary(s)	7.28	NA	4.13	0.88	NA	12.29	090
58943		A	Removal of ovary(s)	18.40	NA	8.75	2.24	NA	29.39	090
58950		A	Resect ovarian malignancy	16.90	NA	8.50	1.87	NA	27.27	090
58951		A	Resect ovarian malignancy	22.35	NA	10.55	2.65	NA	35.55	090
58952		A	Resect ovarian malignancy	24.97	NA	11.85	3.10	NA	39.92	090
58953		A	Tah, rad dissect for debulk	31.95	NA	14.61	3.98	NA	50.54	090
58954		A	Tah rad debulk/lymph remove	34.95	NA	15.77	4.29	NA	55.01	090
58960		A	Exploration of abdomen	14.63	NA	7.45	1.77	NA	23.85	090
58970		A	Retrieval of oocyte	3.52	2.32	1.50	0.43	6.27	5.45	000
58974		C	Transfer of embryo	0.00	0.00	0.00	0.00	0.00	0.00	000
58976		A	Transfer of embryo	3.82	2.64	1.83	0.47	6.93	6.12	000
58999		C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59000		A	Amniocentesis, diagnostic	1.30	2.10	0.69	0.28	3.68	2.27	000
59001		A	Amniocentesis, therapeutic	3.00	NA	1.41	0.28	NA	4.69	000
59012		A	Fetal cord puncture,prenatal	3.44	NA	1.56	0.75	NA	5.75	000
59015		A	Chorion biopsy	2.20	1.57	1.06	0.48	4.25	3.74	000
59020		A	Fetal contract stress test	0.66	0.79	NA	0.24	1.69	NA	000
59020	26	A	Fetal contract stress test	0.66	0.27	0.27	0.14	1.07	1.07	000
59020	TC	A	Fetal contract stress test	0.00	0.52	NA	0.10	0.62	NA	000
59025		A	Fetal non-stress test	0.53	0.45	NA	0.14	1.12	NA	000
59025	26	A	Fetal non-stress test	0.53	0.21	0.21	0.12	0.86	0.86	000
59025	TC	A	Fetal non-stress test	0.00	0.24	NA	0.02	0.26	NA	000
59030		A	Fetal scalp blood sample	1.99	NA	1.05	0.43	NA	3.47	000
59050		A	Fetal monitor w/report	0.89	NA	0.36	0.19	NA	1.44	XXX
59051		A	Fetal monitor/interpret only	0.74	NA	0.30	0.17	NA	1.21	XXX
59070		A	Transabdom amnioinfus w/ us	5.24	5.12	2.41	0.28	10.64	7.93	000
59072		A	Umbilical cord occlud w/ us	8.99	NA	3.13	0.68	NA	12.80	000
59074		A	Fetal fluid drainage w/ us	5.24	4.61	2.41	0.28	10.13	7.93	000
59076		A	Fetal shunt placement, w/ us	8.99	NA	3.13	0.68	NA	12.80	000
59100		A	Remove uterus lesion	12.33	NA	6.48	2.67	NA	21.48	090
59120		A	Treat ectopic pregnancy	11.47	NA	6.27	2.48	NA	20.22	090
59121		A	Treat ectopic pregnancy	11.65	NA	6.35	2.52	NA	20.52	090
59130		A	Treat ectopic pregnancy	14.20	NA	4.99	3.06	NA	22.25	090
59135		A	Treat ectopic pregnancy	13.86	NA	7.25	3.00	NA	24.11	090
59136		A	Treat ectopic pregnancy	13.16	NA	6.64	2.85	NA	22.65	090
59140		A	Treat ectopic pregnancy	5.45	5.20	3.59	1.18	11.83	10.22	090
59150		A	Treat ectopic pregnancy	11.65	NA	6.05	1.48	NA	19.18	090
59151		A	Treat ectopic pregnancy	11.47	NA	6.09	1.70	NA	19.26	090
59160		A	D & c after delivery	2.71	3.27	2.11	0.59	6.57	5.41	010
59200		A	Insert cervical dilator	0.79	1.20	0.31	0.18	2.17	1.28	000
59300		A	Episiotomy or vaginal repair	2.41	2.16	0.96	0.52	5.09	3.89	000
59320		A	Revision of cervix	2.48	NA	1.26	0.54	NA	4.28	000
59325		A	Revision of cervix	4.06	NA	1.92	0.88	NA	6.86	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
59350		A	Repair of uterus	4.94	NA	1.95	1.06	NA	7.95	000
59400		A	Obstetrical care	23.03	NA	15.48	4.99	NA	43.50	MMM
59409		A	Obstetrical care	13.48	NA	5.32	2.92	NA	21.72	MMM
59410		A	Obstetrical care	14.76	NA	6.33	3.20	NA	24.29	MMM
59412		A	Antepartum manipulation	1.71	NA	0.81	0.37	NA	2.89	MMM
59414		A	Deliver placenta	1.61	NA	0.63	0.35	NA	2.59	MMM
59425		A	Antepartum care only	4.80	4.26	1.87	1.04	10.10	7.71	MMM
59426		A	Antepartum care only	8.27	7.65	3.23	1.80	17.72	13.30	MMM
59430		A	Care after delivery	2.13	1.24	0.94	0.46	3.83	3.53	MMM
59510		A	Cesarean delivery	26.18	NA	17.43	5.67	NA	49.28	MMM
59514		A	Cesarean delivery only	15.95	NA	6.23	3.45	NA	25.63	MMM
59515		A	Cesarean delivery	17.34	NA	7.87	3.76	NA	28.97	MMM
59525		A	Remove uterus after cesarean	8.53	NA	3.32	1.85	NA	13.70	ZZZ
59610		A	Vbac delivery	24.58	NA	16.03	5.32	NA	45.93	MMM
59612		A	Vbac delivery only	15.04	NA	6.07	3.26	NA	24.37	MMM
59614		A	Vbac care after delivery	16.32	NA	6.96	3.53	NA	26.81	MMM
59618		A	Attempted vbac delivery	27.74	NA	18.43	6.01	NA	52.18	MMM
59620		A	Attempted vbac delivery only	17.50	NA	6.78	3.80	NA	28.08	MMM
59622		A	Attempted vbac after care	18.90	NA	8.67	4.09	NA	31.66	MMM
59812		A	Treatment of miscarriage	4.00	NA	2.56	0.70	NA	7.26	090
59820		A	Care of miscarriage	4.00	NA	3.52	0.87	NA	8.39	090
59821		A	Treatment of miscarriage	4.46	NA	3.45	0.96	NA	8.87	090
59830		A	Treat uterus infection	6.10	NA	4.01	1.33	NA	11.44	090
59840		R	Abortion	3.01	NA	2.13	0.65	NA	5.79	010
59841		R	Abortion	5.23	2.58	2.58	1.13	8.94	8.94	010
59850		R	Abortion	5.90	NA	3.27	1.28	NA	10.45	090
59851		R	Abortion	5.92	NA	3.74	1.28	NA	10.94	090
59852		R	Abortion	8.23	NA	5.06	1.79	NA	15.08	090
59855		R	Abortion	6.11	NA	3.56	1.33	NA	11.00	090
59856		R	Abortion	7.47	NA	4.07	1.62	NA	13.16	090
59857		R	Abortion	9.28	NA	4.59	2.00	NA	15.87	090
59866		R	Abortion (mpr)	3.99	NA	1.83	0.87	NA	6.69	000
59870		A	Evacuate mole of uterus	6.00	NA	4.43	0.93	NA	11.36	090
59871		A	Remove cerclage suture	2.13	1.76	1.13	0.46	4.35	3.72	000
59897		C	Fetal invas px w/ us	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59898		C	Laparo proc, ob care/deliver	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59899		C	Maternity care procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
60000		A	Drain thyroid/tongue cyst	1.76	2.16	2.04	0.17	4.09	3.97	010
60001		A	Aspirate/inject thyriod cyst	0.97	1.49	0.34	0.07	2.53	1.38	000
60100		A	Biopsy of thyroid	1.56	1.42	0.53	0.06	3.04	2.15	000
60200		A	Remove thyroid lesion	9.54	NA	6.14	1.01	NA	16.69	090
60210		A	Partial thyroid excision	10.86	NA	5.78	1.22	NA	17.86	090
60212		A	Partial thyroid excision	16.01	NA	7.82	1.82	NA	25.65	090
60220		A	Partial removal of thyroid	11.88	NA	6.30	1.17	NA	19.35	090
60225		A	Partial removal of thyroid	14.17	NA	7.55	1.58	NA	23.30	090
60240		A	Removal of thyroid	16.04	NA	7.75	1.81	NA	25.60	090
60252		A	Removal of thyroid	20.54	NA	10.29	1.97	NA	32.80	090
60254		A	Extensive thyroid surgery	26.95	NA	14.38	2.36	NA	43.69	090
60260		A	Repeat thyroid surgery	17.44	NA	8.85	1.68	NA	27.97	090
60270		A	Removal of thyroid	20.24	NA	10.66	2.15	NA	33.05	090
60271		A	Removal of thyroid	16.80	NA	8.78	1.63	NA	27.21	090
60280		A	Remove thyroid duct lesion	5.86	NA	4.83	0.54	NA	11.23	090
60281		A	Remove thyroid duct lesion	8.52	NA	5.99	0.81	NA	15.32	090
60500		A	Explore parathyroid glands	16.21	NA	7.53	1.94	NA	25.68	090
60502		A	Re-explore parathyroids	20.32	NA	9.49	2.41	NA	32.22	090
60505		A	Explore parathyroid glands	21.46	NA	11.12	2.58	NA	35.16	090
60512		A	Autotransplant parathyroid	4.44	NA	1.63	0.53	NA	6.60	ZZZ
60520		A	Removal of thymus gland	16.78	NA	8.38	2.22	NA	27.38	090
60521		A	Removal of thymus gland	18.84	NA	9.63	2.82	NA	31.29	090
60522		A	Removal of thymus gland	23.06	NA	11.35	3.41	NA	37.82	090
60540		A	Explore adrenal gland	17.00	NA	7.65	1.71	NA	26.36	090
60545		A	Explore adrenal gland	19.85	NA	8.61	2.11	NA	30.57	090
60600		A	Remove carotid body lesion	17.90	NA	10.90	2.26	NA	31.06	090
60605		A	Remove carotid body lesion	20.21	NA	12.79	2.75	NA	35.75	090
60650		A	Laparoscopy adrenalectomy	19.97	NA	7.99	2.39	NA	30.35	090
60659		C	Laparo proc, endocrine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
60699		C	Endocrine surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
61000		A	Remove cranial cavity fluid	1.58	NA	0.96	0.16	NA	2.70	000
61001		A	Remove cranial cavity fluid	1.49	NA	1.06	0.18	NA	2.73	000
61020		A	Remove brain cavity fluid	1.51	NA	1.35	0.31	NA	3.17	000
61026		A	Injection into brain canal	1.69	NA	1.41	0.25	NA	3.35	000
61050		A	Remove brain canal fluid	1.51	NA	1.26	0.16	NA	2.93	000
61055		A	Injection into brain canal	2.10	NA	1.42	0.16	NA	3.68	000
61070		A	Brain canal shunt procedure	0.89	NA	1.03	0.11	NA	2.03	000
61105		A	Twist drill hole	5.13	NA	3.95	1.27	NA	10.35	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
61107		A	Drill skull for implantation	4.99	NA	3.32	1.23	NA	9.54	000
61108		A	Drill skull for drainage	10.17	NA	7.14	2.46	NA	19.77	090
61120		A	Burr hole for puncture	8.75	NA	6.00	2.18	NA	16.93	090
61140		A	Pierce skull for biopsy	15.88	NA	9.91	3.80	NA	29.59	090
61150		A	Pierce skull for drainage	17.54	NA	10.41	4.25	NA	32.20	090
61151		A	Pierce skull for drainage	12.40	NA	7.85	2.95	NA	23.20	090
61154		A	Pierce skull & remove clot	14.97	NA	9.50	3.68	NA	28.15	090
61156		A	Pierce skull for drainage	16.30	NA	9.86	4.12	NA	30.28	090
61210		A	Pierce skull, implant device	5.83	NA	3.71	1.40	NA	10.94	000
61215		A	Insert brain-fluid device	4.88	NA	4.02	1.19	NA	10.09	090
61250		A	Pierce skull & explore	10.40	NA	6.87	2.44	NA	19.71	090
61253		A	Pierce skull & explore	12.34	NA	7.74	2.73	NA	22.81	090
61304		A	Open skull for exploration	21.93	NA	12.88	5.22	NA	40.03	090
61305		A	Open skull for exploration	26.57	NA	15.37	6.33	NA	48.27	090
61312		A	Open skull for drainage	24.53	NA	15.08	6.02	NA	45.63	090
61313		A	Open skull for drainage	24.89	NA	14.85	6.11	NA	45.85	090
61314		A	Open skull for drainage	24.19	NA	13.08	4.82	NA	42.09	090
61315		A	Open skull for drainage	27.64	NA	16.07	6.78	NA	50.49	090
61316		A	Implt cran bone flap to abdo	1.39	NA	0.57	0.52	NA	2.48	ZZZ
61320		A	Open skull for drainage	25.58	NA	14.80	6.27	NA	46.65	090
61321		A	Open skull for drainage	28.46	NA	16.18	6.45	NA	51.09	090
61322		A	Decompressive craniotomy	29.46	NA	14.45	6.02	NA	49.93	090
61323		A	Decompressive lobectomy	30.95	NA	14.64	6.02	NA	51.61	090
61330		A	Decompress eye socket	23.29	NA	13.80	3.11	NA	40.20	090
61332		A	Explore/biopsy eye socket	27.24	NA	15.66	5.01	NA	47.91	090
61333		A	Explore orbit/remove lesion	27.91	NA	15.66	2.70	NA	46.27	090
61334		A	Explore orbit/remove object	18.24	NA	10.70	3.64	NA	32.58	090
61340		A	Subtemporal decompression	18.63	NA	11.16	4.41	NA	34.20	090
61343		A	Incise skull (press relief)	29.73	NA	16.88	7.28	NA	53.89	090
61345		A	Relieve cranial pressure	27.16	NA	15.47	6.31	NA	48.94	090
61440		A	Incise skull for surgery	26.59	NA	14.28	6.72	NA	47.59	090
61450		A	Incise skull for surgery	25.91	NA	14.35	6.16	NA	46.42	090
61458		A	Incise skull for brain wound	27.25	NA	15.58	6.37	NA	49.20	090
61460		A	Incise skull for surgery	28.35	NA	16.49	6.19	NA	51.03	090
61470		A	Incise skull for surgery	26.02	NA	13.91	5.61	NA	45.54	090
61480		A	Incise skull for surgery	26.45	NA	15.34	6.68	NA	48.47	090
61490		A	Incise skull for surgery	25.62	NA	14.39	6.48	NA	46.49	090
61500		A	Removal of skull lesion	17.89	NA	10.85	3.93	NA	32.67	090
61501		A	Remove infected skull bone	14.82	NA	9.25	3.17	NA	27.24	090
61510		A	Removal of brain lesion	28.41	NA	16.76	6.96	NA	52.13	090
61512		A	Remove brain lining lesion	35.04	NA	19.76	8.61	NA	63.41	090
61514		A	Removal of brain abscess	25.22	NA	14.50	6.18	NA	45.90	090
61516		A	Removal of brain lesion	24.57	NA	14.33	5.96	NA	44.86	090
61517		A	Implt brain chemotx add-on	1.38	NA	0.57	0.10	NA	2.05	ZZZ
61518		A	Removal of brain lesion	37.26	NA	21.20	9.08	NA	67.54	090
61519		A	Remove brain lining lesion	41.33	NA	22.75	9.83	NA	73.91	090
61520		A	Removal of brain lesion	54.76	NA	30.46	12.18	NA	97.40	090
61521		A	Removal of brain lesion	44.41	NA	24.33	10.67	NA	79.41	090
61522		A	Removal of brain abscess	29.41	NA	16.49	6.39	NA	52.29	090
61524		A	Removal of brain lesion	27.82	NA	15.74	6.04	NA	49.60	090
61526		A	Removal of brain lesion	52.09	NA	29.62	8.10	NA	89.81	090
61530		A	Removal of brain lesion	43.79	NA	25.19	7.44	NA	76.42	090
61531		A	Implant brain electrodes	14.61	NA	9.17	3.43	NA	27.21	090
61533		A	Implant brain electrodes	19.68	NA	11.59	4.58	NA	35.85	090
61534		A	Removal of brain lesion	20.94	NA	12.15	5.01	NA	38.10	090
61535		A	Remove brain electrodes	11.61	NA	7.46	2.76	NA	21.83	090
61536		A	Removal of brain lesion	35.47	NA	19.87	8.06	NA	63.40	090
61537		A	Removal of brain tissue	24.96	NA	14.45	6.49	NA	45.90	090
61538		A	Removal of brain tissue	26.77	NA	15.38	6.49	NA	48.64	090
61539		A	Removal of brain tissue	32.03	NA	17.85	7.98	NA	57.86	090
61540		A	Removal of brain tissue	29.96	NA	17.48	7.98	NA	55.42	090
61541		A	Incision of brain tissue	28.81	NA	16.28	6.63	NA	51.72	090
61542		A	Removal of brain tissue	30.97	NA	17.91	7.83	NA	56.71	090
61543		A	Removal of brain tissue	29.18	NA	16.46	7.37	NA	53.01	090
61544		A	Remove & treat brain lesion	25.46	NA	13.90	5.92	NA	45.28	090
61545		A	Excision of brain tumor	43.73	NA	24.33	10.71	NA	78.77	090
61546		A	Removal of pituitary gland	31.25	NA	17.58	7.31	NA	56.14	090
61548		A	Removal of pituitary gland	21.50	NA	12.85	4.38	NA	38.73	090
61550		A	Release of skull seams	14.63	NA	7.01	1.37	NA	23.01	090
61552		A	Release of skull seams	19.53	NA	9.20	1.06	NA	29.79	090
61556		A	Incise skull/sutures	22.23	NA	11.42	4.31	NA	37.96	090
61557		A	Incise skull/sutures	22.35	NA	13.68	5.64	NA	41.67	090
61558		A	Excision of skull/sutures	25.54	NA	14.25	3.15	NA	42.94	090
61559		A	Excision of skull/sutures	32.74	NA	19.39	8.27	NA	60.40	090
61563		A	Excision of skull tumor	26.79	NA	15.33	5.38	NA	47.50	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
61564		A	Excision of skull tumor	33.78	NA	18.37	8.54	NA	60.69	090
61566		A	Removal of brain tissue	30.95	NA	17.42	6.49	NA	54.86	090
61567		A	Incision of brain tissue	35.45	NA	20.73	6.49	NA	62.67	090
61570		A	Remove foreign body, brain	24.56	NA	13.97	5.55	NA	44.08	090
61571		A	Incise skull for brain wound	26.35	NA	15.21	6.31	NA	47.87	090
61575		A	Skull base/brainstem surgery	34.31	NA	19.74	6.05	NA	60.10	090
61576		A	Skull base/brainstem surgery	52.35	NA	29.68	5.64	NA	87.67	090
61580		A	Craniofacial approach, skull	30.30	NA	25.49	3.32	NA	59.11	090
61581		A	Craniofacial approach, skull	34.55	NA	23.05	4.06	NA	61.66	090
61582		A	Craniofacial approach, skull	31.61	NA	26.99	7.60	NA	66.20	090
61583		A	Craniofacial approach, skull	36.16	NA	25.01	8.37	NA	69.54	090
61584		A	Orbitocranial approach/skull	34.60	NA	24.41	7.88	NA	66.89	090
61585		A	Orbitocranial approach/skull	38.55	NA	26.46	7.47	NA	72.48	090
61586		A	Resect nasopharynx, skull	25.06	NA	22.35	4.25	NA	51.66	090
61590		A	Infratemporal approach/skull	41.72	NA	28.81	5.16	NA	75.69	090
61591		A	Infratemporal approach/skull	43.61	NA	29.71	6.34	NA	79.66	090
61592		A	Orbitocranial approach/skull	39.58	NA	26.60	9.11	NA	75.29	090
61595		A	Transtemporal approach/skull	29.53	NA	22.51	3.68	NA	55.72	090
61596		A	Transcochlear approach/skull	35.58	NA	24.59	5.13	NA	65.30	090
61597		A	Transcondylar approach/skull	37.90	NA	23.05	8.02	NA	68.97	090
61598		A	Transpetrosal approach/skull	33.36	NA	23.35	5.55	NA	62.26	090
61600		A	Resect/excise cranial lesion	25.81	NA	19.88	3.76	NA	49.45	090
61601		A	Resect/excise cranial lesion	27.85	NA	20.56	6.38	NA	54.79	090
61605		A	Resect/excise cranial lesion	29.29	NA	22.16	3.03	NA	54.48	090
61606		A	Resect/excise cranial lesion	38.77	NA	25.23	8.21	NA	72.21	090
61607		A	Resect/excise cranial lesion	36.22	NA	23.88	6.86	NA	66.96	090
61608		A	Resect/excise cranial lesion	42.04	NA	26.67	10.02	NA	78.73	090
61609		A	Transect artery, sinus	9.88	NA	4.87	2.50	NA	17.25	ZZZ
61610		A	Transect artery, sinus	29.63	NA	13.19	4.25	NA	47.07	ZZZ
61611		A	Transect artery, sinus	7.41	NA	3.84	1.87	NA	13.12	ZZZ
61612		A	Transect artery, sinus	27.84	NA	13.36	4.28	NA	45.48	ZZZ
61613		A	Remove aneurysm, sinus	40.80	NA	26.34	10.03	NA	77.17	090
61615		A	Resect/excise lesion, skull	32.02	NA	22.82	5.60	NA	60.44	090
61616		A	Resect/excise lesion, skull	43.27	NA	28.77	8.47	NA	80.51	090
61618		A	Repair dura	16.96	NA	10.51	3.52	NA	30.99	090
61619		A	Repair dura	20.68	NA	12.31	4.12	NA	37.11	090
61623		A	Endovasc tempory vessel occl	9.95	NA	4.23	0.60	NA	14.78	000
61624		A	Transcath occlusion, cns	20.12	NA	6.93	1.39	NA	28.44	000
61626		A	Transcath occlusion, non-cns	16.60	NA	5.54	1.01	NA	23.15	000
61680		A	Intracranial vessel surgery	30.66	NA	17.52	7.28	NA	55.46	090
61682		A	Intracranial vessel surgery	61.48	NA	32.37	15.31	NA	109.16	090
61684		A	Intracranial vessel surgery	39.75	NA	22.10	9.49	NA	71.34	090
61686		A	Intracranial vessel surgery	64.39	NA	34.88	15.92	NA	115.19	090
61690		A	Intracranial vessel surgery	29.27	NA	16.80	6.65	NA	52.72	090
61692		A	Intracranial vessel surgery	51.79	NA	27.61	12.27	NA	91.67	090
61697		A	Brain aneurysm repr, complx	50.44	NA	28.13	12.43	NA	91.00	090
61698		A	Brain aneurysm repr, complx	48.34	NA	26.80	12.05	NA	87.19	090
61700		A	Brain aneurysm repr, simple	50.44	NA	27.93	12.28	NA	90.65	090
61702		A	Inner skull vessel surgery	48.34	NA	26.15	11.76	NA	86.25	090
61703		A	Clamp neck artery	17.44	NA	10.52	4.37	NA	32.33	090
61705		A	Revise circulation to head	36.15	NA	19.34	8.04	NA	63.53	090
61708		A	Revise circulation to head	35.25	NA	15.20	2.63	NA	53.08	090
61710		A	Revise circulation to head	29.63	NA	13.66	2.92	NA	46.21	090
61711		A	Fusion of skull arteries	36.28	NA	19.90	8.91	NA	65.09	090
61720		A	Incise skull/brain surgery	16.74	NA	10.03	4.23	NA	31.00	090
61735		A	Incise skull/brain surgery	20.40	NA	12.22	5.02	NA	37.64	090
61750		A	Incise skull/brain biopsy	18.17	NA	10.67	4.47	NA	33.31	090
61751		A	Brain biopsy w/ct/mr guide	17.59	NA	10.86	4.31	NA	32.76	090
61760		A	Implant brain electrodes	22.24	NA	8.77	5.54	NA	36.55	090
61770		A	Incise skull for treatment	21.41	NA	12.31	4.93	NA	38.65	090
61790		A	Treat trigeminal nerve	10.84	NA	5.95	2.20	NA	18.99	090
61791		A	Treat trigeminal tract	14.59	NA	8.96	3.65	NA	27.20	090
61793		A	Focus radiation beam	17.21	NA	10.16	4.23	NA	31.60	090
61795		A	Brain surgery using computer	4.03	NA	2.04	0.98	NA	7.05	ZZZ
61850		A	Implant neuroelectrodes	12.37	NA	7.71	2.69	NA	22.77	090
61860		A	Implant neuroelectrodes	20.84	NA	12.13	4.87	NA	37.84	090
61862		D	Implant neurostimul, subcort	0.00	0.00	0.00	0.00	0.00	0.00	090
61863		A	Implant neuroelectrode	18.97	NA	9.21	4.79	NA	32.97	090
61864		A	Implant neuroelectrde, add'l	4.49	NA	2.29	1.13	NA	7.91	ZZZ
61867		A	Implant neuroelectrode	31.29	NA	13.81	4.79	NA	49.89	090
61868		A	Implant neuroelectrde, add'l	7.91	NA	4.03	1.21	NA	13.15	ZZZ
61870		A	Implant neuroelectrodes	14.92	NA	9.82	2.05	NA	26.79	090
61875		A	Implant neuroelectrodes	15.04	NA	8.61	2.92	NA	26.57	090
61880		A	Revise/remove neuroelectrode	6.28	NA	4.60	1.58	NA	12.46	090
61885		A	Implant neurostim one array	5.84	NA	5.32	1.47	NA	12.63	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
61886		A	Implant neurostim arrays	7.99	NA	6.36	1.98	NA	16.33	090
61888		A	Revise/remove neuroreceiver	5.06	NA	3.88	1.25	NA	10.19	010
62000		A	Treat skull fracture	12.51	NA	5.55	1.05	NA	19.11	090
62005		A	Treat skull fracture	16.15	NA	8.83	2.81	NA	27.79	090
62010		A	Treatment of head injury	19.78	NA	11.75	4.88	NA	36.41	090
62100		A	Repair brain fluid leakage	22.00	NA	12.85	4.91	NA	39.76	090
62115		A	Reduction of skull defect	21.63	NA	11.69	5.46	NA	38.78	090
62116		A	Reduction of skull defect	23.55	NA	13.42	5.85	NA	42.82	090
62117		A	Reduction of skull defect	26.56	NA	15.44	6.71	NA	48.71	090
62120		A	Repair skull cavity lesion	23.31	NA	14.33	3.70	NA	41.34	090
62121		A	Incise skull repair	21.55	NA	12.75	2.98	NA	37.28	090
62140		A	Repair of skull defect	13.49	NA	8.36	3.14	NA	24.99	090
62141		A	Repair of skull defect	14.89	NA	9.10	3.44	NA	27.43	090
62142		A	Remove skull plate/flap	10.77	NA	7.03	2.53	NA	20.33	090
62143		A	Replace skull plate/flap	13.03	NA	8.08	3.08	NA	24.19	090
62145		A	Repair of skull & brain	18.79	NA	10.95	4.60	NA	34.34	090
62146		A	Repair of skull with graft	16.10	NA	9.68	3.55	NA	29.33	090
62147		A	Repair of skull with graft	19.31	NA	11.38	4.39	NA	35.08	090
62148		A	Retr bone flap to fix skull	2.00	NA	0.82	0.52	NA	3.34	ZZZ
62160		A	Neuroendoscopy add-on	3.00	NA	1.14	0.63	NA	4.77	ZZZ
62161		A	Dissect brain w/scope	19.97	NA	9.56	4.46	NA	33.99	090
62162		A	Remove colloid cyst w/scope	25.21	NA	11.69	6.96	NA	43.86	090
62163		A	Neuroendoscopy w/fb removal	15.48	NA	7.85	4.46	NA	27.79	090
62164		A	Remove brain tumor w/scope	27.46	NA	12.90	6.96	NA	47.32	090
62165		A	Remove pituit tumor w/scope	21.97	NA	10.51	4.38	NA	36.86	090
62180		A	Establish brain cavity shunt	21.03	NA	12.34	5.21	NA	38.58	090
62190		A	Establish brain cavity shunt	11.05	NA	7.11	2.63	NA	20.79	090
62192		A	Establish brain cavity shunt	12.23	NA	7.66	2.97	NA	22.86	090
62194		A	Replace/irrigate catheter	5.02	NA	2.79	0.60	NA	8.41	010
62200		A	Establish brain cavity shunt	18.29	NA	10.89	4.46	NA	33.64	090
62201		A	Brain cavity shunt w/scope	14.84	NA	9.49	3.04	NA	27.37	090
62220		A	Establish brain cavity shunt	12.98	NA	8.02	3.05	NA	24.05	090
62223		A	Establish brain cavity shunt	12.85	NA	8.28	3.11	NA	24.24	090
62225		A	Replace/irrigate catheter	5.40	NA	4.11	1.31	NA	10.82	090
62230		A	Replace/revise brain shunt	10.52	NA	6.51	2.53	NA	19.56	090
62252		A	Csf shunt reprogram	0.74	1.48	NA	0.21	2.43	NA	XXX
62252	26	A	Csf shunt reprogram	0.74	0.37	0.37	0.19	1.30	1.30	XXX
62252	TC	A	Csf shunt reprogram	0.00	1.11	NA	0.02	1.13	NA	XXX
62256		A	Remove brain cavity shunt	6.59	NA	4.72	1.62	NA	12.93	090
62258		A	Replace brain cavity shunt	14.52	NA	8.74	3.51	NA	26.77	090
62263		A	Epidural lysis mult sessions	6.13	11.87	2.39	0.51	18.51	9.03	010
62264		A	Epidural lysis on single day	4.42	7.66	1.40	0.36	12.44	6.18	010
62268		A	Drain spinal cord cyst	4.73	10.58	2.18	0.35	15.66	7.26	000
62269		A	Needle biopsy, spinal cord	5.01	12.80	2.01	0.35	18.16	7.37	000
62270		A	Spinal fluid tap, diagnostic	1.13	3.08	0.49	0.07	4.28	1.69	000
62272		A	Drain cerebro spinal fluid	1.35	3.68	0.64	0.16	5.19	2.15	000
62273		A	Treat epidural spine lesion	2.15	2.73	0.57	0.17	5.05	2.89	000
62280		A	Treat spinal cord lesion	2.63	6.59	0.88	0.21	9.43	3.72	010
62281		A	Treat spinal cord lesion	2.66	5.76	0.77	0.19	8.61	3.62	010
62282		A	Treat spinal canal lesion	2.33	8.20	0.79	0.17	10.70	3.29	010
62284		A	Injection for myelogram	1.54	4.88	0.60	0.12	6.54	2.26	000
62287		A	Percutaneous diskectomy	8.07	NA	5.52	0.80	NA	14.39	090
62290		A	Inject for spine disk x-ray	3.00	6.81	1.28	0.24	10.05	4.52	000
62291		A	Inject for spine disk x-ray	2.91	5.69	1.13	0.21	8.81	4.25	000
62292		A	Injection into disk lesion	7.85	NA	4.50	0.78	NA	13.13	090
62294		A	Injection into spinal artery	11.81	NA	5.62	1.03	NA	18.46	090
62310		A	Inject spine c/t	1.91	4.83	0.50	0.13	6.87	2.54	000
62311		A	Inject spine l/s (cd)	1.54	4.91	0.45	0.11	6.56	2.10	000
62318		A	Inject spine w/cath, c/t	2.04	5.51	0.51	0.14	7.69	2.69	000
62319		A	Inject spine w/cath l/s (cd)	1.87	4.82	0.47	0.13	6.82	2.47	000
62350		A	Implant spinal canal cath	6.86	NA	3.99	0.77	NA	11.62	090
62351		A	Implant spinal canal cath	9.99	NA	7.10	2.16	NA	19.25	090
62355		A	Remove spinal canal catheter	5.44	NA	3.20	0.57	NA	9.21	090
62360		A	Insert spine infusion device	2.62	NA	2.71	0.25	NA	5.58	090
62361		A	Implant spine infusion pump	5.41	NA	3.91	0.60	NA	9.92	090
62362		A	Implant spine infusion pump	7.03	NA	4.38	1.04	NA	12.45	090
62365		A	Remove spine infusion device	5.41	NA	3.60	0.70	NA	9.71	090
62367		C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62367	26	A	Analyze spine infusion pump	0.48	0.13	0.13	0.04	0.65	0.65	XXX
62367	TC	C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62368		C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62368	26	A	Analyze spine infusion pump	0.75	0.19	0.19	0.06	1.00	1.00	XXX
62368	TC	C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
63001		A	Removal of spinal lamina	15.80	NA	9.52	3.65	NA	28.97	090
63003		A	Removal of spinal lamina	15.93	NA	9.86	3.59	NA	29.38	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
63005		A	Removal of spinal lamina	14.90	NA	9.93	3.16	NA	27.99	090
63011		A	Removal of spinal lamina	14.50	NA	8.26	1.72	NA	24.48	090
63012		A	Removal of spinal lamina	15.38	NA	10.09	3.27	NA	28.74	090
63015		A	Removal of spinal lamina	19.32	NA	11.89	4.63	NA	35.84	090
63016		A	Removal of spinal lamina	19.17	NA	11.79	4.37	NA	35.33	090
63017		A	Removal of spinal lamina	15.92	NA	10.36	3.51	NA	29.79	090
63020		A	Neck spine disk surgery	14.79	NA	9.67	3.49	NA	27.95	090
63030		A	Low back disk surgery	11.98	NA	8.39	2.67	NA	23.04	090
63035		A	Spinal disk surgery add-on	3.15	NA	1.59	0.69	NA	5.43	ZZZ
63040		A	Laminotomy, single cervical	18.78	NA	11.50	4.05	NA	34.33	090
63042		A	Laminotomy, single lumbar	17.44	NA	11.30	3.75	NA	32.49	090
63043		C	Laminotomy, add'l cervical	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63044		C	Laminotomy, add'l lumbar	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63045		A	Removal of spinal lamina	16.48	NA	10.35	3.85	NA	30.68	090
63046		A	Removal of spinal lamina	15.78	NA	10.16	3.49	NA	29.43	090
63047		A	Removal of spinal lamina	14.59	NA	9.85	3.15	NA	27.59	090
63048		A	Remove spinal lamina add-on	3.26	NA	1.67	0.70	NA	5.63	ZZZ
63055		A	Decompress spinal cord	21.96	NA	13.14	4.93	NA	40.03	090
63056		A	Decompress spinal cord	20.33	NA	12.54	4.03	NA	36.90	090
63057		A	Decompress spine cord add-on	5.25	NA	2.64	0.98	NA	8.87	ZZZ
63064		A	Decompress spinal cord	24.57	NA	14.45	5.69	NA	44.71	090
63066		A	Decompress spine cord add-on	3.26	NA	1.67	0.76	NA	5.69	ZZZ
63075		A	Neck spine disk surgery	19.38	NA	12.08	4.50	NA	35.96	090
63076		A	Neck spine disk surgery	4.04	NA	2.06	0.94	NA	7.04	ZZZ
63077		A	Spine disk surgery, thorax	21.41	NA	12.76	4.15	NA	38.32	090
63078		A	Spine disk surgery, thorax	3.28	NA	1.64	0.60	NA	5.52	ZZZ
63081		A	Removal of vertebral body	23.69	NA	14.33	5.38	NA	43.40	090
63082		A	Remove vertebral body add-on	4.36	NA	2.23	0.99	NA	7.58	ZZZ
63085		A	Removal of vertebral body	26.88	NA	15.47	5.67	NA	48.02	090
63086		A	Remove vertebral body add-on	3.19	NA	1.60	0.66	NA	5.45	ZZZ
63087		A	Removal of vertebral body	35.52	NA	19.45	7.08	NA	62.05	090
63088		A	Remove vertebral body add-on	4.32	NA	2.18	0.93	NA	7.43	ZZZ
63090		A	Removal of vertebral body	28.12	NA	16.01	5.15	NA	49.28	090
63091		A	Remove vertebral body add-on	3.03	NA	1.46	0.54	NA	5.03	ZZZ
63101		A	Removal of vertebral body	31.95	NA	19.34	5.69	NA	56.98	090
63102		A	Removal of vertebral body	31.95	NA	19.34	5.69	NA	56.98	090
63103		A	Remove vertebral body add-on	3.89	NA	2.01	0.76	NA	6.66	ZZZ
63170		A	Incise spinal cord tract(s)	19.80	NA	12.06	4.69	NA	36.55	090
63172		A	Drainage of spinal cyst	17.63	NA	10.85	4.17	NA	32.65	090
63173		A	Drainage of spinal cyst	21.96	NA	13.03	4.99	NA	39.98	090
63180		A	Revise spinal cord ligaments	18.24	NA	11.21	4.62	NA	34.07	090
63182		A	Revise spinal cord ligaments	20.47	NA	11.18	4.20	NA	35.85	090
63185		A	Incise spinal column/nerves	15.02	NA	8.25	2.51	NA	25.78	090
63190		A	Incise spinal column/nerves	17.42	NA	10.31	3.47	NA	31.20	090
63191		A	Incise spinal column/nerves	17.51	NA	10.68	4.22	NA	32.41	090
63194		A	Incise spinal column & cord	19.16	NA	11.89	4.84	NA	35.89	090
63195		A	Incise spinal column & cord	18.81	NA	11.24	4.15	NA	34.20	090
63196		A	Incise spinal column & cord	22.27	NA	13.58	5.62	NA	41.47	090
63197		A	Incise spinal column & cord	21.08	NA	12.39	5.33	NA	38.80	090
63198		A	Incise spinal column & cord	25.34	NA	8.63	6.40	NA	40.37	090
63199		A	Incise spinal column & cord	26.85	NA	15.24	6.78	NA	48.87	090
63200		A	Release of spinal cord	19.15	NA	11.48	4.35	NA	34.98	090
63250		A	Revise spinal cord vessels	40.70	NA	20.03	9.23	NA	69.96	090
63251		A	Revise spinal cord vessels	41.14	NA	22.69	9.62	NA	73.45	090
63252		A	Revise spinal cord vessels	41.13	NA	22.33	9.35	NA	72.81	090
63265		A	Excise intraspinal lesion	21.53	NA	12.81	5.17	NA	39.51	090
63266		A	Excise intraspinal lesion	22.27	NA	13.22	5.39	NA	40.88	090
63267		A	Excise intraspinal lesion	17.92	NA	11.09	4.22	NA	33.23	090
63268		A	Excise intraspinal lesion	18.49	NA	10.42	3.84	NA	32.75	090
63270		A	Excise intraspinal lesion	26.76	NA	15.52	6.53	NA	48.81	090
63271		A	Excise intraspinal lesion	26.88	NA	15.63	6.71	NA	49.22	090
63272		A	Excise intraspinal lesion	25.28	NA	14.73	6.11	NA	46.12	090
63273		A	Excise intraspinal lesion	24.25	NA	14.39	6.13	NA	44.77	090
63275		A	Biopsy/excise spinal tumor	23.64	NA	13.83	5.64	NA	43.11	090
63276		A	Biopsy/excise spinal tumor	23.41	NA	13.72	5.58	NA	42.71	090
63277		A	Biopsy/excise spinal tumor	20.80	NA	12.54	4.86	NA	38.20	090
63278		A	Biopsy/excise spinal tumor	20.53	NA	12.39	4.85	NA	37.77	090
63280		A	Biopsy/excise spinal tumor	28.31	NA	16.37	7.00	NA	51.68	090
63281		A	Biopsy/excise spinal tumor	28.01	NA	16.22	6.84	NA	51.07	090
63282		A	Biopsy/excise spinal tumor	26.35	NA	15.38	6.43	NA	48.16	090
63283		A	Biopsy/excise spinal tumor	24.96	NA	14.71	6.18	NA	45.85	090
63285		A	Biopsy/excise spinal tumor	35.95	NA	20.01	8.82	NA	64.78	090
63286		A	Biopsy/excise spinal tumor	35.58	NA	19.97	8.53	NA	64.08	090
63287		A	Biopsy/excise spinal tumor	36.64	NA	20.53	9.02	NA	66.19	090
63290		A	Biopsy/excise spinal tumor	37.32	NA	20.66	9.23	NA	67.21	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
63300		A	Removal of vertebral body	24.39	NA	14.34	5.77	NA	44.50	090
63301		A	Removal of vertebral body	27.56	NA	15.58	6.07	NA	49.21	090
63302		A	Removal of vertebral body	27.77	NA	15.88	6.33	NA	49.98	090
63303		A	Removal of vertebral body	30.45	NA	16.92	6.28	NA	53.65	090
63304		A	Removal of vertebral body	30.28	NA	17.34	5.69	NA	53.31	090
63305		A	Removal of vertebral body	31.98	NA	18.06	6.50	NA	56.54	090
63306		A	Removal of vertebral body	32.17	NA	17.84	2.88	NA	52.89	090
63307		A	Removal of vertebral body	31.58	NA	16.82	5.10	NA	53.50	090
63308		A	Remove vertebral body add-on	5.24	NA	2.62	1.22	NA	9.08	ZZZ
63600		A	Remove spinal cord lesion	14.00	NA	5.44	1.47	NA	20.91	090
63610		A	Stimulation of spinal cord	8.72	55.66	2.30	0.52	64.90	11.54	000
63615		A	Remove lesion of spinal cord	16.26	NA	9.41	3.44	NA	29.11	090
63650		A	Implant neuroelectrodes	6.73	NA	3.22	0.58	NA	10.53	090
63655		A	Implant neuroelectrodes	10.27	NA	6.90	2.23	NA	19.40	090
63660		A	Revise/remove neuroelectrode	6.15	NA	3.63	0.78	NA	10.56	090
63685		A	Implant neuroreceiver	7.03	NA	4.16	1.16	NA	12.35	090
63688		A	Revise/remove neuroreceiver	5.38	NA	3.57	0.84	NA	9.79	090
63700		A	Repair of spinal herniation	16.51	NA	10.27	3.24	NA	30.02	090
63702		A	Repair of spinal herniation	18.45	NA	10.84	1.64	NA	30.93	090
63704		A	Repair of spinal herniation	21.15	NA	12.89	4.63	NA	38.67	090
63706		A	Repair of spinal herniation	24.07	NA	13.61	5.70	NA	43.38	090
63707		A	Repair spinal fluid leakage	11.24	NA	7.68	2.36	NA	21.28	090
63709		A	Repair spinal fluid leakage	14.30	NA	9.36	3.00	NA	26.66	090
63710		A	Graft repair of spine defect	14.05	NA	9.05	3.15	NA	26.25	090
63740		A	Install spinal shunt	11.34	NA	7.38	2.59	NA	21.31	090
63741		A	Install spinal shunt	8.24	NA	4.78	1.27	NA	14.29	090
63744		A	Revision of spinal shunt	8.09	NA	5.28	1.82	NA	15.19	090
63746		A	Removal of spinal shunt	6.42	NA	3.80	1.39	NA	11.61	090
64400		A	N block inj, trigeminal	1.11	2.01	0.37	0.07	3.19	1.55	000
64402		A	N block inj, facial	1.25	1.74	0.53	0.08	3.07	1.86	000
64405		A	N block inj, occipital	1.32	1.52	0.39	0.10	2.94	1.81	000
64408		A	N block inj, vagus	1.41	1.58	0.66	0.11	3.10	2.18	000
64410		A	N block inj, phrenic	1.43	2.56	0.39	0.10	4.09	1.92	000
64412		A	N block inj, spinal accessor	1.18	2.71	0.37	0.10	3.99	1.65	000
64413		A	N block inj, cervical plexus	1.40	1.88	0.43	0.11	3.39	1.94	000
64415		A	N block inj, brachial plexus	1.48	2.84	0.39	0.10	4.42	1.97	000
64416		A	N block cont infuse, b plex	3.49	NA	0.72	0.10	NA	4.31	010
64417		A	N block inj, axillary	1.44	3.09	0.42	0.11	4.64	1.97	000
64418		A	N block inj, suprascapular	1.32	2.65	0.37	0.08	4.05	1.77	000
64420		A	N block inj, intercost, sng	1.18	3.53	0.36	0.08	4.79	1.62	000
64421		A	N block inj, intercost, mlt	1.68	5.39	0.45	0.12	7.19	2.25	000
64425		A	N block inj ilio-ing/hypogi	1.75	1.70	0.47	0.13	3.58	2.35	000
64430		A	N block inj, pudendal	1.46	2.59	0.49	0.13	4.18	2.08	000
64435		A	N block inj, paracervical	1.45	2.58	0.63	0.18	4.21	2.26	000
64445		A	N block inj, sciatic, sng	1.48	2.69	0.37	0.10	4.27	1.95	000
64446		A	N blk inj, sciatic, cont inf	3.25	NA	1.18	0.10	NA	4.53	010
64447		A	N block inj fem, single	1.50	NA	0.51	0.10	NA	2.11	000
64448		A	N block inj fem, cont inf	3.00	NA	1.03	0.10	NA	4.13	010
64449		A	N block inj, lumbar plexus	3.00	NA	0.97	0.10	NA	4.07	010
64450		A	N block, other peripheral	1.27	1.26	0.41	0.10	2.63	1.78	000
64470		A	Inj paravertebral c/t	1.85	4.86	0.56	0.14	6.85	2.55	000
64472		A	Inj paravertebral c/t add-on	1.29	1.94	0.31	0.11	3.34	1.71	ZZZ
64475		A	Inj paravertebral l/s	1.41	4.56	0.47	0.11	6.08	1.99	000
64476		A	Inj paravertebral l/s add-on	0.98	1.82	0.25	0.07	2.87	1.30	ZZZ
64479		A	Inj foramen epidural c/t	2.20	7.05	0.72	0.17	9.42	3.09	000
64480		A	Inj foramen epidural add-on	1.54	2.41	0.46	0.11	4.06	2.11	ZZZ
64483		A	Inj foramen epidural l/s	1.90	7.53	0.66	0.14	9.57	2.70	000
64484		A	Inj foramen epidural add-on	1.33	2.80	0.37	0.10	4.23	1.80	ZZZ
64505		A	N block, spenopalatine gangl	1.36	1.22	0.47	0.10	2.68	1.93	000
64508		A	N block, carotid sinus s/p	1.12	2.96	0.51	0.07	4.15	1.70	000
64510		A	N block, stellate ganglion	1.22	3.20	0.37	0.08	4.50	1.67	000
64517		A	N block inj, hypogas plxs	2.20	2.70	0.87	0.13	5.03	3.20	000
64520		A	N block, lumbar/thoracic	1.35	4.56	0.41	0.10	6.01	1.86	000
64530		A	N block inj, celiac pelus	1.58	3.94	0.47	0.11	5.63	2.16	000
64550		A	Apply neurostimulator	0.18	0.30	0.05	0.01	0.49	0.24	000
64553		A	Implant neuroelectrodes	2.31	2.70	1.86	0.21	5.22	4.38	010
64555		A	Implant neuroelectrodes	2.27	3.09	1.20	0.13	5.49	3.60	010
64560		A	Implant neuroelectrodes	2.36	2.64	1.30	0.21	5.21	3.87	010
64561		A	Implant neuroelectrodes	6.73	NA	3.16	0.13	NA	10.02	010
64565		A	Implant neuroelectrodes	1.76	3.35	1.26	0.10	5.21	3.12	010
64573		A	Implant neuroelectrodes	7.49	NA	5.23	1.79	NA	14.51	090
64575		A	Implant neuroelectrodes	4.34	NA	2.70	0.45	NA	7.49	090
64577		A	Implant neuroelectrodes	4.61	NA	3.32	0.60	NA	8.53	090
64580		A	Implant neuroelectrodes	4.11	NA	3.55	0.25	NA	7.91	090
64581		A	Implant neuroelectrodes	13.48	NA	5.41	0.45	NA	19.34	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
64585		A	Revise/remove neuroelectrode	2.06	11.57	1.71	0.35	13.98	4.12	010
64590		A	Implant neuroreceiver	2.40	7.26	1.90	0.48	10.14	4.78	010
64595		A	Revise/remove neuroreceiver	1.73	10.69	1.49	0.27	12.69	3.49	010
64600		A	Injection treatment of nerve	3.44	8.45	1.57	0.34	12.23	5.35	010
64605		A	Injection treatment of nerve	5.60	8.59	2.05	0.64	14.83	8.29	010
64610		A	Injection treatment of nerve	7.15	7.89	3.58	1.35	16.39	12.08	010
64612		A	Destroy nerve, face muscle	1.96	2.62	1.08	0.11	4.69	3.15	010
64613		A	Destroy nerve, spine muscle	1.96	2.97	0.99	0.12	5.05	3.07	010
64614		A	Destroy nerve, extrem musc	2.20	3.24	1.12	0.11	5.55	3.43	010
64620		A	Injection treatment of nerve	2.84	4.60	1.18	0.21	7.65	4.23	010
64622		A	Destr paravertebrl nerve l/s	3.00	7.62	1.23	0.21	10.83	4.44	010
64623		A	Destr paravertebral n add-on	0.99	2.42	0.23	0.07	3.48	1.29	ZZZ
64626		A	Destr paravertebrl nerve c/t	3.28	6.67	1.85	0.27	10.22	5.40	010
64627		A	Destr paravertebral n add-on	1.16	2.61	0.27	0.10	3.87	1.53	ZZZ
64630		A	Injection treatment of nerve	3.00	2.73	1.28	0.19	5.92	4.47	010
64640		A	Injection treatment of nerve	2.76	4.24	1.67	0.13	7.13	4.56	010
64680		A	Injection treatment of nerve	2.62	5.97	1.28	0.18	8.77	4.08	010
64681		A	Injection treatment of nerve	3.54	8.71	2.10	0.18	12.43	5.82	010
64702		A	Revise finger/toe nerve	4.22	NA	3.82	0.62	NA	8.66	090
64704		A	Revise hand/foot nerve	4.56	NA	3.28	0.71	NA	8.55	090
64708		A	Revise arm/leg nerve	6.11	NA	4.83	0.99	NA	11.93	090
64712		A	Revision of sciatic nerve	7.74	NA	4.99	0.65	NA	13.38	090
64713		A	Revision of arm nerve(s)	10.98	NA	5.90	1.22	NA	18.10	090
64714		A	Revise low back nerve(s)	10.31	NA	4.24	0.77	NA	15.32	090
64716		A	Revision of cranial nerve	6.30	NA	5.26	0.71	NA	12.27	090
64718		A	Revise ulnar nerve at elbow	5.98	NA	5.87	1.05	NA	12.90	090
64719		A	Revise ulnar nerve at wrist	4.84	NA	4.46	0.76	NA	10.06	090
64721		A	Carpal tunnel surgery	4.28	4.95	4.95	0.71	9.94	9.94	090
64722		A	Relieve pressure on nerve(s)	4.69	NA	3.06	0.39	NA	8.14	090
64726		A	Release foot/toe nerve	4.17	NA	2.76	0.69	NA	7.62	090
64727		A	Internal nerve revision	3.10	NA	1.51	0.48	NA	5.09	ZZZ
64732		A	Incision of brow nerve	4.40	NA	3.53	0.93	NA	8.86	090
64734		A	Incision of cheek nerve	4.91	NA	4.06	1.00	NA	9.97	090
64736		A	Incision of chin nerve	4.59	NA	4.03	0.86	NA	9.48	090
64738		A	Incision of jaw nerve	5.72	NA	4.62	1.01	NA	11.35	090
64740		A	Incision of tongue nerve	5.58	NA	4.39	0.52	NA	10.49	090
64742		A	Incision of facial nerve	6.21	NA	4.74	0.83	NA	11.78	090
64744		A	Incise nerve, back of head	5.23	NA	3.79	1.18	NA	10.20	090
64746		A	Incise diaphragm nerve	5.92	NA	4.53	0.90	NA	11.35	090
64752		A	Incision of vagus nerve	7.05	NA	4.31	1.00	NA	12.36	090
64755		A	Incision of stomach nerves	13.50	NA	5.68	1.40	NA	20.58	090
64760		A	Incision of vagus nerve	6.95	NA	3.52	0.62	NA	11.09	090
64761		A	Incision of pelvis nerve	6.40	NA	3.56	0.31	NA	10.27	090
64763		A	Incise hip/thigh nerve	6.92	NA	5.24	0.93	NA	13.09	090
64766		A	Incise hip/thigh nerve	8.66	NA	5.26	1.19	NA	15.11	090
64771		A	Sever cranial nerve	7.34	NA	5.58	1.59	NA	14.51	090
64772		A	Incision of spinal nerve	7.20	NA	4.93	1.45	NA	13.58	090
64774		A	Remove skin nerve lesion	5.16	NA	3.81	0.72	NA	9.69	090
64776		A	Remove digit nerve lesion	5.11	NA	3.67	0.76	NA	9.54	090
64778		A	Digit nerve surgery add-on	3.11	NA	1.50	0.46	NA	5.07	ZZZ
64782		A	Remove limb nerve lesion	6.22	NA	3.75	0.95	NA	10.92	090
64783		A	Limb nerve surgery add-on	3.71	NA	1.85	0.58	NA	6.14	ZZZ
64784		A	Remove nerve lesion	9.81	NA	6.57	1.41	NA	17.79	090
64786		A	Remove sciatic nerve lesion	15.44	NA	9.84	2.68	NA	27.96	090
64787		A	Implant nerve end	4.29	NA	2.13	0.68	NA	7.10	ZZZ
64788		A	Remove skin nerve lesion	4.60	NA	3.47	0.65	NA	8.72	090
64790		A	Removal of nerve lesion	11.29	NA	7.19	2.03	NA	20.51	090
64792		A	Removal of nerve lesion	14.90	NA	8.84	2.27	NA	26.01	090
64795		A	Biopsy of nerve	3.01	NA	1.59	0.48	NA	5.08	000
64802		A	Remove sympathetic nerves	9.14	NA	5.17	1.05	NA	15.36	090
64804		A	Remove sympathetic nerves	14.62	NA	7.20	2.16	NA	23.98	090
64809		A	Remove sympathetic nerves	13.65	NA	5.80	1.16	NA	20.61	090
64818		A	Remove sympathetic nerves	10.28	NA	5.33	1.30	NA	16.91	090
64820		A	Remove sympathetic nerves	10.35	NA	7.11	1.41	NA	18.87	090
64821		A	Remove sympathetic nerves	8.74	NA	7.35	1.19	NA	17.28	090
64822		A	Remove sympathetic nerves	8.74	NA	7.27	1.19	NA	17.20	090
64823		A	Remove sympathetic nerves	10.35	NA	8.18	1.41	NA	19.94	090
64831		A	Repair of digit nerve	9.43	NA	7.05	1.37	NA	17.85	090
64832		A	Repair nerve add-on	5.65	NA	2.95	0.82	NA	9.42	ZZZ
64834		A	Repair of hand or foot nerve	10.17	NA	7.08	1.48	NA	18.73	090
64835		A	Repair of hand or foot nerve	10.92	NA	7.67	1.64	NA	20.23	090
64836		A	Repair of hand or foot nerve	10.92	NA	7.65	1.59	NA	20.16	090
64837		A	Repair nerve add-on	6.25	NA	3.25	0.96	NA	10.46	ZZZ
64840		A	Repair of leg nerve	13.00	NA	8.28	1.04	NA	22.32	090
64856		A	Repair/transpose nerve	13.78	NA	9.17	2.06	NA	25.01	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
64857		A	Repair arm/leg nerve	14.47	NA	9.62	2.12	NA	26.21	090
64858		A	Repair sciatic nerve	16.47	NA	10.74	3.35	NA	30.56	090
64859		A	Nerve surgery	4.25	NA	2.20	0.60	NA	7.05	ZZZ
64861		A	Repair of arm nerves	19.21	NA	11.83	2.95	NA	33.99	090
64862		A	Repair of low back nerves	19.41	NA	11.96	2.98	NA	34.35	090
64864		A	Repair of facial nerve	12.53	NA	8.10	1.36	NA	21.99	090
64865		A	Repair of facial nerve	15.22	NA	9.87	1.65	NA	26.74	090
64866		A	Fusion of facial/other nerve	15.72	NA	9.71	1.28	NA	26.71	090
64868		A	Fusion of facial/other nerve	14.02	NA	8.87	1.69	NA	24.58	090
64870		A	Fusion of facial/other nerve	15.97	NA	8.75	1.30	NA	26.02	090
64872		A	Subsequent repair of nerve	1.99	NA	1.09	0.29	NA	3.37	ZZZ
64874		A	Repair & revise nerve add-on	2.98	NA	1.54	0.41	NA	4.93	ZZZ
64876		A	Repair nerve/shorten bone	3.37	NA	1.28	0.47	NA	5.12	ZZZ
64885		A	Nerve graft, head or neck	17.50	NA	10.91	1.82	NA	30.23	090
64886		A	Nerve graft, head or neck	20.72	NA	12.75	2.09	NA	35.56	090
64890		A	Nerve graft, hand or foot	15.13	NA	9.99	2.10	NA	27.22	090
64891		A	Nerve graft, hand or foot	16.12	NA	7.63	1.66	NA	25.41	090
64892		A	Nerve graft, arm or leg	14.63	NA	8.86	1.99	NA	25.48	090
64893		A	Nerve graft, arm or leg	15.58	NA	9.89	2.13	NA	27.60	090
64895		A	Nerve graft, hand or foot	19.22	NA	9.67	2.46	NA	31.35	090
64896		A	Nerve graft, hand or foot	20.46	NA	11.01	2.23	NA	33.70	090
64897		A	Nerve graft, arm or leg	18.21	NA	10.72	3.18	NA	32.11	090
64898		A	Nerve graft, arm or leg	19.47	NA	11.81	3.27	NA	34.55	090
64901		A	Nerve graft add-on	10.20	NA	5.29	1.19	NA	16.68	ZZZ
64902		A	Nerve graft add-on	11.81	NA	5.99	1.33	NA	19.13	ZZZ
64905		A	Nerve pedicle transfer	14.00	NA	8.56	1.83	NA	24.39	090
64907		A	Nerve pedicle transfer	18.80	NA	12.50	2.16	NA	33.46	090
64999		C	Nervous system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
65091		A	Revise eye	6.45	NA	9.73	0.31	NA	16.49	090
65093		A	Revise eye with implant	6.86	NA	10.09	0.34	NA	17.29	090
65101		A	Removal of eye	7.02	NA	10.68	0.34	NA	18.04	090
65103		A	Remove eye/insert implant	7.56	NA	10.87	0.36	NA	18.79	090
65105		A	Remove eye/attach implant	8.48	NA	11.52	0.41	NA	20.41	090
65110		A	Removal of eye	13.93	NA	14.61	0.82	NA	29.36	090
65112		A	Remove eye/revise socket	16.36	NA	16.88	1.16	NA	34.40	090
65114		A	Remove eye/revise socket	17.50	NA	17.10	1.13	NA	35.73	090
65125		A	Revise ocular implant	3.12	9.23	2.96	0.18	12.53	6.26	090
65130		A	Insert ocular implant	7.14	NA	10.24	0.34	NA	17.72	090
65135		A	Insert ocular implant	7.32	NA	10.42	0.35	NA	18.09	090
65140		A	Attach ocular implant	8.01	NA	10.87	0.37	NA	19.25	090
65150		A	Revise ocular implant	6.25	NA	9.29	0.30	NA	15.84	090
65155		A	Reinsert ocular implant	8.65	NA	11.59	0.48	NA	20.72	090
65175		A	Removal of ocular implant	6.27	NA	9.65	0.31	NA	16.23	090
65205		A	Remove foreign body from eye	0.71	0.60	0.19	0.04	1.35	0.94	000
65210		A	Remove foreign body from eye	0.84	0.74	0.30	0.04	1.62	1.18	000
65220		A	Remove foreign body from eye	0.71	0.60	0.18	0.06	1.37	0.95	000
65222		A	Remove foreign body from eye	0.93	0.76	0.27	0.05	1.74	1.25	000
65235		A	Remove foreign body from eye	7.56	NA	7.26	0.36	NA	15.18	090
65260		A	Remove foreign body from eye	10.94	NA	11.43	0.52	NA	22.89	090
65265		A	Remove foreign body from eye	12.57	NA	12.67	0.60	NA	25.84	090
65270		A	Repair of eye wound	1.90	3.83	2.24	0.10	5.83	4.24	010
65272		A	Repair of eye wound	3.81	5.78	5.21	0.19	9.78	9.21	090
65273		A	Repair of eye wound	4.35	NA	5.63	0.21	NA	10.19	090
65275		A	Repair of eye wound	5.33	5.66	5.66	0.33	11.32	11.32	090
65280		A	Repair of eye wound	7.65	NA	8.17	0.36	NA	16.18	090
65285		A	Repair of eye wound	12.88	NA	12.38	0.62	NA	25.88	090
65286		A	Repair of eye wound	5.50	8.42	7.52	0.25	14.17	13.27	090
65290		A	Repair of eye socket wound	5.40	NA	6.47	0.31	NA	12.18	090
65400		A	Removal of eye lesion	6.05	8.63	7.47	0.29	14.97	13.81	090
65410		A	Biopsy of cornea	1.47	1.72	0.65	0.07	3.26	2.19	000
65420		A	Removal of eye lesion	4.16	7.53	6.74	0.21	11.90	11.11	090
65426		A	Removal of eye lesion	5.24	7.49	6.54	0.24	12.97	12.02	090
65430		A	Corneal smear	1.47	4.95	0.66	0.07	6.49	2.20	000
65435		A	Curette/treat cornea	0.92	1.32	0.39	0.05	2.29	1.36	000
65436		A	Curette/treat cornea	4.18	5.85	5.22	0.21	10.24	9.61	090
65450		A	Treatment of corneal lesion	3.27	7.22	6.33	0.16	10.65	9.76	090
65600		A	Revision of cornea	3.39	5.63	3.11	0.17	9.19	6.67	090
65710		A	Corneal transplant	12.33	NA	12.33	0.59	NA	25.25	090
65730		A	Corneal transplant	14.23	NA	11.86	0.68	NA	26.77	090
65750		A	Corneal transplant	14.98	NA	13.35	0.71	NA	29.04	090
65755		A	Corneal transplant	14.87	NA	13.26	0.70	NA	28.83	090
65760		N	Revision of cornea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65765		N	Revision of cornea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65767		N	Corneal tissue transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65770		A	Revise cornea with implant	17.53	NA	14.31	0.83	NA	32.67	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
65771		N	Radial keratotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65772		A	Correction of astigmatism	4.28	7.15	6.46	0.21	11.64	10.95	090
65775		A	Correction of astigmatism	5.78	NA	7.35	0.27	NA	13.40	090
65780		A	Ocular reconst, transplant	10.23	NA	9.94	0.35	NA	20.52	090
65781		A	Ocular reconst, transplant	17.64	NA	13.31	0.35	NA	31.30	090
65782		A	Ocular reconst, transplant	14.98	NA	11.66	0.35	NA	26.99	090
65800		A	Drainage of eye	1.91	2.27	1.17	0.10	4.28	3.18	000
65805		A	Drainage of eye	1.91	2.27	1.18	0.10	4.28	3.19	000
65810		A	Drainage of eye	4.86	NA	8.05	0.23	NA	13.14	090
65815		A	Drainage of eye	5.04	8.37	7.49	0.24	13.65	12.77	090
65820		A	Relieve inner eye pressure	8.12	NA	10.65	0.39	NA	19.16	090
65850		A	Incision of eye	10.50	NA	9.38	0.49	NA	20.37	090
65855		A	Laser surgery of eye	3.84	5.20	4.05	0.21	9.25	8.10	010
65860		A	Incise inner eye adhesions	3.54	3.90	3.26	0.17	7.61	6.97	090
65865		A	Incise inner eye adhesions	5.59	NA	6.48	0.27	NA	12.34	090
65870		A	Incise inner eye adhesions	6.26	NA	7.14	0.29	NA	13.69	090
65875		A	Incise inner eye adhesions	6.53	NA	7.44	0.30	NA	14.27	090
65880		A	Incise inner eye adhesions	7.08	NA	7.69	0.34	NA	15.11	090
65900		A	Remove eye lesion	10.91	NA	11.51	0.55	NA	22.97	090
65920		A	Remove implant of eye	8.39	NA	8.70	0.40	NA	17.49	090
65930		A	Remove blood clot from eye	7.43	NA	7.74	0.35	NA	15.52	090
66020		A	Injection treatment of eye	1.59	2.37	1.58	0.08	4.04	3.25	010
66030		A	Injection treatment of eye	1.25	2.21	1.42	0.06	3.52	2.73	010
66130		A	Remove eye lesion	7.68	7.48	6.92	0.37	15.53	14.97	090
66150		A	Glaucoma surgery	8.29	NA	9.86	0.40	NA	18.55	090
66155		A	Glaucoma surgery	8.28	NA	9.80	0.39	NA	18.47	090
66160		A	Glaucoma surgery	10.15	NA	10.65	0.49	NA	21.29	090
66165		A	Glaucoma surgery	8.00	NA	9.69	0.37	NA	18.06	090
66170		A	Glaucoma surgery	12.14	NA	12.45	0.58	NA	25.17	090
66172		A	Incision of eye	15.02	NA	15.12	0.71	NA	30.85	090
66180		A	Implant eye shunt	14.53	NA	11.56	0.69	NA	26.78	090
66185		A	Revise eye shunt	8.13	NA	8.19	0.39	NA	16.71	090
66220		A	Repair eye lesion	7.76	NA	8.73	0.39	NA	16.88	090
66225		A	Repair/graft eye lesion	11.03	NA	9.32	0.53	NA	20.88	090
66250		A	Follow-up surgery of eye	5.97	7.67	6.50	0.28	13.92	12.75	090
66500		A	Incision of iris	3.70	NA	5.10	0.18	NA	8.98	090
66505		A	Incision of iris	4.07	NA	5.38	0.21	NA	9.66	090
66600		A	Remove iris and lesion	8.67	NA	8.91	0.41	NA	17.99	090
66605		A	Removal of iris	12.77	NA	11.26	0.74	NA	24.77	090
66625		A	Removal of iris	5.12	7.02	6.30	0.24	12.38	11.66	090
66630		A	Removal of iris	6.15	NA	7.42	0.29	NA	13.86	090
66635		A	Removal of iris	6.24	NA	6.64	0.29	NA	13.17	090
66680		A	Repair iris & ciliary body	5.43	NA	6.04	0.25	NA	11.72	090
66682		A	Repair iris & ciliary body	6.20	NA	7.43	0.29	NA	13.92	090
66700		A	Destruction, ciliary body	4.77	5.34	4.05	0.23	10.34	9.05	090
66710		A	Destruction, ciliary body	4.77	5.22	3.85	0.22	10.21	8.84	090
66720		A	Destruction, ciliary body	4.77	5.68	4.60	0.23	10.68	9.60	090
66740		A	Destruction, ciliary body	4.77	5.38	4.21	0.22	10.37	9.20	090
66761		A	Revision of iris	4.06	5.55	4.23	0.19	9.80	8.48	090
66762		A	Revision of iris	4.57	5.62	4.22	0.22	10.41	9.01	090
66770		A	Removal of inner eye lesion	5.17	6.05	4.73	0.24	11.46	10.14	090
66820		A	Incision, secondary cataract	3.88	NA	7.10	0.19	NA	11.17	090
66821		A	After cataract laser surgery	2.35	3.98	3.88	0.12	6.45	6.35	090
66825		A	Reposition intraocular lens	8.22	NA	10.08	0.39	NA	18.69	090
66830		A	Removal of lens lesion	8.19	NA	7.08	0.39	NA	15.66	090
66840		A	Removal of lens material	7.90	NA	6.99	0.37	NA	15.26	090
66850		A	Removal of lens material	9.10	NA	7.75	0.43	NA	17.28	090
66852		A	Removal of lens material	9.96	NA	8.20	0.47	NA	18.63	090
66920		A	Extraction of lens	8.85	NA	7.43	0.42	NA	16.70	090
66930		A	Extraction of lens	10.16	NA	8.57	0.49	NA	19.22	090
66940		A	Extraction of lens	8.92	NA	8.01	0.42	NA	17.35	090
66982		A	Cataract surgery, complex	13.48	NA	9.92	0.68	NA	24.08	090
66983		A	Cataract surg w/iol, 1 stage	8.98	NA	6.20	0.45	NA	15.63	090
66984		A	Cataract surg w/iol, 1 stage	10.21	NA	7.63	0.49	NA	18.33	090
66985		A	Insert lens prosthesis	8.38	NA	7.47	0.40	NA	16.25	090
66986		A	Exchange lens prosthesis	12.26	NA	9.22	0.59	NA	22.07	090
66990		A	Ophthalmic endoscope add-on	1.51	NA	0.69	0.07	NA	2.27	ZZZ
66999		C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67005		A	Partial removal of eye fluid	5.69	NA	4.38	0.27	NA	10.34	090
67010		A	Partial removal of eye fluid	6.86	NA	4.93	0.33	NA	12.12	090
67015		A	Release of eye fluid	6.91	NA	7.73	0.33	NA	14.97	090
67025		A	Replace eye fluid	6.83	14.23	7.51	0.33	21.39	14.67	090
67027		A	Implant eye drug system	10.83	12.78	8.79	0.55	24.16	20.17	090
67028		A	Injection eye drug	2.52	6.50	1.13	0.13	9.15	3.78	000
67030		A	Incise inner eye strands	4.83	NA	6.81	0.23	NA	11.87	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
67031		A	Laser surgery, eye strands	3.66	4.74	4.09	0.18	8.58	7.93	090
67036		A	Removal of inner eye fluid	11.87	NA	9.35	0.57	NA	21.79	090
67038		A	Strip retinal membrane	21.21	NA	15.83	1.01	NA	38.05	090
67039		A	Laser treatment of retina	14.50	NA	12.54	0.69	NA	27.73	090
67040		A	Laser treatment of retina	17.20	NA	14.02	0.82	NA	32.04	090
67101		A	Repair detached retina	7.52	9.85	8.11	0.35	17.72	15.98	090
67105		A	Repair detached retina	7.40	7.99	6.23	0.35	15.74	13.98	090
67107		A	Repair detached retina	14.82	NA	12.82	0.70	NA	28.34	090
67108		A	Repair detached retina	20.79	NA	17.02	0.99	NA	38.80	090
67110		A	Repair detached retina	8.80	15.37	9.23	0.42	24.59	18.45	090
67112		A	Rerepair detached retina	16.83	NA	14.59	0.80	NA	32.22	090
67115		A	Release encircling material	4.98	NA	7.09	0.23	NA	12.30	090
67120		A	Remove eye implant material	5.97	12.30	6.93	0.28	18.55	13.18	090
67121		A	Remove eye implant material	10.65	NA	11.17	0.51	NA	22.33	090
67141		A	Treatment of retina	5.19	7.24	6.49	0.24	12.67	11.92	090
67145		A	Treatment of retina	5.36	5.76	4.94	0.25	11.37	10.55	090
67208		A	Treatment of retinal lesion	6.69	5.95	5.38	0.31	12.95	12.38	090
67210		A	Treatment of retinal lesion	8.81	6.25	5.79	0.42	15.48	15.02	090
67218		A	Treatment of retinal lesion	18.50	NA	14.13	0.64	NA	33.27	090
67220		A	Treatment of choroid lesion	13.11	9.84	8.83	0.62	23.57	22.56	090
67221		R	Ocular photodynamic ther	4.00	4.69	1.81	0.19	8.88	6.00	000
67225		A	Eye photodynamic ther add-on	0.47	0.26	0.22	0.01	0.74	0.70	ZZZ
67227		A	Treatment of retinal lesion	6.57	6.38	5.39	0.31	13.26	12.27	090
67228		A	Treatment of retinal lesion	12.72	10.83	8.42	0.60	24.15	21.74	090
67250		A	Reinforce eye wall	8.65	NA	10.37	0.43	NA	19.45	090
67255		A	Reinforce/graft eye wall	8.89	NA	10.95	0.42	NA	20.26	090
67299		C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67311		A	Revise eye muscle	6.64	NA	6.42	0.33	NA	13.39	090
67312		A	Revise two eye muscles	8.53	NA	7.55	0.42	NA	16.50	090
67314		A	Revise eye muscle	7.51	NA	7.26	0.36	NA	15.13	090
67316		A	Revise two eye muscles	9.65	NA	8.22	0.48	NA	18.35	090
67318		A	Revise eye muscle(s)	7.84	NA	7.64	0.37	NA	15.85	090
67320		A	Revise eye muscle(s) add-on	4.32	NA	1.96	0.21	NA	6.49	ZZZ
67331		A	Eye surgery follow-up add-on	4.05	NA	1.91	0.21	NA	6.17	ZZZ
67332		A	Rerevise eye muscles add-on	4.48	NA	2.03	0.22	NA	6.73	ZZZ
67334		A	Revise eye muscle w/suture	3.97	NA	1.81	0.19	NA	5.97	ZZZ
67335		A	Eye suture during surgery	2.49	NA	1.12	0.12	NA	3.73	ZZZ
67340		A	Revise eye muscle add-on	4.92	NA	2.23	0.23	NA	7.38	ZZZ
67343		A	Release eye tissue	7.34	NA	7.34	0.36	NA	15.04	090
67345		A	Destroy nerve of eye muscle	2.96	4.36	1.37	0.16	7.48	4.49	010
67350		A	Biopsy eye muscle	2.87	NA	1.87	0.16	NA	4.90	000
67399		C	Eye muscle surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67400		A	Explore/biopsy eye socket	9.75	NA	12.51	0.52	NA	22.78	090
67405		A	Explore/drain eye socket	7.92	NA	11.09	0.43	NA	19.44	090
67412		A	Explore/treat eye socket	9.49	NA	12.99	0.49	NA	22.97	090
67413		A	Explore/treat eye socket	9.99	NA	12.14	0.52	NA	22.65	090
67414		A	Explr/decompress eye socket	11.11	NA	14.01	0.58	NA	25.70	090
67415		A	Aspiration, orbital contents	1.76	NA	0.77	0.11	NA	2.64	000
67420		A	Explore/treat eye socket	20.03	NA	18.77	1.01	NA	39.81	090
67430		A	Explore/treat eye socket	13.37	NA	15.83	1.17	NA	30.37	090
67440		A	Explore/drain eye socket	13.07	NA	15.47	0.70	NA	29.24	090
67445		A	Explr/decompress eye socket	14.40	NA	15.70	0.76	NA	30.86	090
67450		A	Explore/biopsy eye socket	13.49	NA	15.82	0.68	NA	29.99	090
67500		A	Inject/treat eye socket	0.79	0.82	0.19	0.05	1.66	1.03	000
67505		A	Inject/treat eye socket	0.82	0.92	0.21	0.05	1.79	1.08	000
67515		A	Inject/treat eye socket	0.61	0.82	0.28	0.02	1.45	0.91	000
67550		A	Insert eye socket implant	10.17	NA	12.28	0.60	NA	23.05	090
67560		A	Revise eye socket implant	10.58	NA	12.33	0.57	NA	23.48	090
67570		A	Decompress optic nerve	13.56	NA	15.33	0.83	NA	29.72	090
67599		C	Orbit surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67700		A	Drainage of eyelid abscess	1.35	4.84	0.62	0.07	6.26	2.04	010
67710		A	Incision of eyelid	1.02	4.99	0.53	0.05	6.06	1.60	010
67715		A	Incision of eyelid fold	1.22	4.58	0.62	0.06	5.86	1.90	010
67800		A	Remove eyelid lesion	1.38	2.50	0.69	0.07	3.95	2.14	010
67801		A	Remove eyelid lesions	1.88	5.34	0.92	0.10	7.32	2.90	010
67805		A	Remove eyelid lesions	2.22	5.49	1.08	0.11	7.82	3.41	010
67808		A	Remove eyelid lesion(s)	3.79	NA	5.23	0.21	NA	9.23	090
67810		A	Biopsy of eyelid	1.48	3.65	0.68	0.07	5.20	2.23	000
67820		A	Revise eyelashes	0.89	1.11	0.37	0.05	2.05	1.31	000
67825		A	Revise eyelashes	1.38	1.58	1.08	0.07	3.03	2.53	010
67830		A	Revise eyelashes	1.70	7.48	1.95	0.08	9.26	3.73	010
67835		A	Revise eyelashes	5.55	NA	5.00	0.27	NA	10.82	090
67840		A	Remove eyelid lesion	2.04	5.32	1.00	0.10	7.46	3.14	010
67850		A	Treat eyelid lesion	1.69	6.06	1.89	0.08	7.83	3.66	010
67875		A	Closure of eyelid by suture	1.35	7.05	0.62	0.07	8.47	2.04	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
67880		A	Revision of eyelid	3.79	9.66	4.29	0.19	13.64	8.27	090
67882		A	Revision of eyelid	5.06	11.01	5.50	0.25	16.32	10.81	090
67900		A	Repair brow defect	6.13	10.53	6.32	0.36	17.02	12.81	090
67901		A	Repair eyelid defect	6.96	NA	6.41	0.39	NA	13.76	090
67902		A	Repair eyelid defect	7.02	NA	6.47	0.41	NA	13.90	090
67903		A	Repair eyelid defect	6.36	11.28	6.70	0.47	18.11	13.53	090
67904		A	Repair eyelid defect	6.25	12.49	7.17	0.31	19.05	13.73	090
67906		A	Repair eyelid defect	6.78	9.11	6.01	0.51	16.40	13.30	090
67908		A	Repair eyelid defect	5.12	8.83	5.68	0.24	14.19	11.04	090
67909		A	Revise eyelid defect	5.39	9.36	6.09	0.30	15.05	11.78	090
67911		A	Revise eyelid defect	5.26	NA	6.04	0.28	NA	11.58	090
67912		A	Correction eyelid w/ implant	5.67	20.38	5.27	0.28	26.33	11.22	090
67914		A	Repair eyelid defect	3.67	9.30	3.95	0.19	13.16	7.81	090
67915		A	Repair eyelid defect	3.18	7.90	2.58	0.16	11.24	5.92	090
67916		A	Repair eyelid defect	5.30	11.78	5.69	0.27	17.35	11.26	090
67917		A	Repair eyelid defect	6.01	9.71	6.15	0.30	16.02	12.46	090
67921		A	Repair eyelid defect	3.39	9.11	3.75	0.17	12.67	7.31	090
67922		A	Repair eyelid defect	3.06	7.86	3.49	0.16	11.08	6.71	090
67923		A	Repair eyelid defect	5.87	11.35	5.90	0.29	17.51	12.06	090
67924		A	Repair eyelid defect	5.78	9.10	5.65	0.28	15.16	11.71	090
67930		A	Repair eyelid wound	3.60	8.42	2.95	0.21	12.23	6.76	010
67935		A	Repair eyelid wound	6.21	11.36	5.95	0.35	17.92	12.51	090
67938		A	Remove eyelid foreign body	1.33	5.81	0.56	0.07	7.21	1.96	010
67950		A	Revision of eyelid	5.81	8.25	6.57	0.36	14.42	12.74	090
67961		A	Revision of eyelid	5.68	10.20	5.70	0.31	16.19	11.69	090
67966		A	Revision of eyelid	6.56	8.33	5.66	0.40	15.29	12.62	090
67971		A	Reconstruction of eyelid	9.78	NA	7.27	0.51	NA	17.56	090
67973		A	Reconstruction of eyelid	12.85	NA	9.24	0.71	NA	22.80	090
67974		A	Reconstruction of eyelid	12.82	NA	9.16	0.65	NA	22.63	090
67975		A	Reconstruction of eyelid	9.12	NA	6.95	0.46	NA	16.53	090
67999		C	Revision of eyelid	0.00	0.00	0.00	0.00	0.00	0.00	YYY
68020		A	Incise/drain eyelid lining	1.37	5.69	0.68	0.07	7.13	2.12	010
68040		A	Treatment of eyelid lesions	0.85	4.82	0.37	0.04	5.71	1.26	000
68100		A	Biopsy of eyelid lining	1.35	5.01	0.61	0.07	6.43	2.03	000
68110		A	Remove eyelid lining lesion	1.77	6.06	1.40	0.08	7.91	3.25	010
68115		A	Remove eyelid lining lesion	2.36	5.56	1.13	0.12	8.04	3.61	010
68130		A	Remove eyelid lining lesion	4.92	8.14	4.28	0.23	13.29	9.43	090
68135		A	Remove eyelid lining lesion	1.84	5.32	0.90	0.08	7.24	2.82	010
68200		A	Treat eyelid by injection	0.49	0.72	0.23	0.02	1.23	0.74	000
68320		A	Revise/graft eyelid lining	5.36	6.56	5.41	0.25	12.17	11.02	090
68325		A	Revise/graft eyelid lining	7.35	NA	6.39	0.36	NA	14.10	090
68326		A	Revise/graft eyelid lining	7.14	NA	6.28	0.36	NA	13.78	090
68328		A	Revise/graft eyelid lining	8.17	NA	7.03	0.48	NA	15.68	090
68330		A	Revise eyelid lining	4.82	7.24	6.05	0.23	12.29	11.10	090
68335		A	Revise/graft eyelid lining	7.18	NA	6.79	0.35	NA	14.32	090
68340		A	Separate eyelid adhesions	4.16	10.80	4.77	0.21	15.17	9.14	090
68360		A	Revise eyelid lining	4.36	6.60	5.58	0.21	11.17	10.15	090
68362		A	Revise eyelid lining	7.33	NA	7.72	0.35	NA	15.40	090
68371		A	Harvest eye tissue, alograft	4.89	NA	4.62	0.21	NA	9.72	010
68399		C	Eyelid lining surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
68400		A	Incise/drain tear gland	1.69	7.61	2.04	0.08	9.38	3.81	010
68420		A	Incise/drain tear sac	2.30	7.92	2.33	0.12	10.34	4.75	010
68440		A	Incise tear duct opening	0.94	4.93	0.49	0.05	5.92	1.48	010
68500		A	Removal of tear gland	11.00	NA	10.16	0.72	NA	21.88	090
68505		A	Partial removal, tear gland	10.92	NA	11.17	0.69	NA	22.78	090
68510		A	Biopsy of tear gland	4.60	8.42	2.10	0.23	13.25	6.93	000
68520		A	Removal of tear sac	7.50	NA	7.78	0.40	NA	15.68	090
68525		A	Biopsy of tear sac	4.42	NA	2.02	0.22	NA	6.66	000
68530		A	Clearance of tear duct	3.65	9.45	2.85	0.19	13.29	6.69	010
68540		A	Remove tear gland lesion	10.58	NA	9.78	0.55	NA	20.91	090
68550		A	Remove tear gland lesion	13.24	NA	11.75	0.80	NA	25.79	090
68700		A	Repair tear ducts	6.59	NA	7.29	0.33	NA	14.21	090
68705		A	Revise tear duct opening	2.06	5.45	1.01	0.10	7.61	3.17	010
68720		A	Create tear sac drain	8.95	NA	8.26	0.46	NA	17.67	090
68745		A	Create tear duct drain	8.62	NA	8.22	0.46	NA	17.30	090
68750		A	Create tear duct drain	8.65	NA	8.69	0.45	NA	17.79	090
68760		A	Close tear duct opening	1.73	3.99	1.23	0.08	5.80	3.04	010
68761		A	Close tear duct opening	1.36	3.42	0.98	0.07	4.85	2.41	010
68770		A	Close tear system fistula	7.01	12.75	6.78	0.34	20.10	14.13	090
68801		A	Dilate tear duct opening	0.94	0.94	0.60	0.05	1.93	1.59	010
68810		A	Probe nasolacrimal duct	1.90	2.32	0.92	0.10	4.32	2.92	010
68811		A	Probe nasolacrimal duct	2.35	NA	2.36	0.12	NA	4.83	010
68815		A	Probe nasolacrimal duct	3.20	8.16	2.68	0.17	11.53	6.05	010
68840		A	Explore/irrigate tear ducts	1.25	1.64	0.96	0.06	2.95	2.27	010
68850		A	Injection for tear sac x-ray	0.80	16.32	0.30	0.04	17.16	1.14	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
68899		C	Tear duct system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69000		A	Drain external ear lesion	1.45	2.95	1.39	0.12	4.52	2.96	010
69005		A	Drain external ear lesion	2.11	2.96	1.85	0.19	5.26	4.15	010
69020		A	Drain outer ear canal lesion	1.48	3.92	2.03	0.13	5.53	3.64	010
69090		N	Pierce earlobes	0.00	0.00	0.00	0.00	0.00	0.00	XXX
69100		A	Biopsy of external ear	0.81	1.74	0.39	0.05	2.60	1.25	000
69105		A	Biopsy of external ear canal	0.85	2.31	0.77	0.07	3.23	1.69	000
69110		A	Remove external ear, partial	3.43	4.07	3.03	0.29	7.79	6.75	090
69120		A	Removal of external ear	4.04	NA	3.96	0.37	NA	8.37	090
69140		A	Remove ear canal lesion(s)	7.96	NA	6.69	0.68	NA	15.33	090
69145		A	Remove ear canal lesion(s)	2.62	3.57	2.60	0.22	6.41	5.44	090
69150		A	Extensive ear canal surgery	13.41	NA	9.90	1.29	NA	24.60	090
69155		A	Extensive ear/neck surgery	20.77	NA	14.47	1.82	NA	37.06	090
69200		A	Clear outer ear canal	0.77	2.33	0.58	0.06	3.16	1.41	000
69205		A	Clear outer ear canal	1.20	NA	1.35	0.11	NA	2.66	010
69210		A	Remove impacted ear wax	0.61	0.63	0.24	0.05	1.29	0.90	000
69220		A	Clean out mastoid cavity	0.83	2.31	0.74	0.07	3.21	1.64	000
69222		A	Clean out mastoid cavity	1.40	3.78	2.02	0.12	5.30	3.54	010
69300		R	Revise external ear	6.35	NA	4.23	0.52	NA	11.10	YYY
69310		A	Rebuild outer ear canal	10.77	NA	8.37	0.93	NA	20.07	090
69320		A	Rebuild outer ear canal	16.93	NA	12.09	1.41	NA	30.43	090
69399		C	Outer ear surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69400		A	Inflate middle ear canal	0.83	2.33	0.67	0.07	3.23	1.57	000
69401		A	Inflate middle ear canal	0.63	1.30	0.65	0.05	1.98	1.33	000
69405		A	Catheterize middle ear canal	2.63	3.48	2.29	0.22	6.33	5.14	010
69410		A	Inset middle ear (baffle)	0.33	2.05	0.48	0.02	2.40	0.83	000
69420		A	Incision of eardrum	1.33	3.08	1.58	0.12	4.53	3.03	010
69421		A	Incision of eardrum	1.73	NA	2.09	0.16	NA	3.98	010
69424		A	Remove ventilating tube	0.85	2.14	0.68	0.07	3.06	1.60	000
69433		A	Create eardrum opening	1.52	3.09	1.66	0.13	4.74	3.31	010
69436		A	Create eardrum opening	1.96	NA	2.22	0.17	NA	4.35	010
69440		A	Exploration of middle ear	7.56	NA	6.28	0.64	NA	14.48	090
69450		A	Eardrum revision	5.56	NA	5.02	0.47	NA	11.05	090
69501		A	Mastoidectomy	9.06	NA	7.06	0.78	NA	16.90	090
69502		A	Mastoidectomy	12.36	NA	9.26	1.04	NA	22.66	090
69505		A	Remove mastoid structures	12.97	NA	9.51	1.11	NA	23.59	090
69511		A	Extensive mastoid surgery	13.50	NA	9.85	1.16	NA	24.51	090
69530		A	Extensive mastoid surgery	19.16	NA	13.01	1.59	NA	33.76	090
69535		A	Remove part of temporal bone	36.09	NA	22.36	3.12	NA	61.57	090
69540		A	Remove ear lesion	1.20	3.68	1.93	0.11	4.99	3.24	010
69550		A	Remove ear lesion	10.97	NA	8.31	0.96	NA	20.24	090
69552		A	Remove ear lesion	19.43	NA	12.92	1.64	NA	33.99	090
69554		A	Remove ear lesion	33.11	NA	20.88	2.80	NA	56.79	090
69601		A	Mastoid surgery revision	13.22	NA	10.01	1.11	NA	24.34	090
69602		A	Mastoid surgery revision	13.56	NA	9.95	1.13	NA	24.64	090
69603		A	Mastoid surgery revision	14.00	NA	10.16	1.21	NA	25.37	090
69604		A	Mastoid surgery revision	14.00	NA	10.14	1.18	NA	25.32	090
69605		A	Mastoid surgery revision	18.46	NA	12.80	1.56	NA	32.82	090
69610		A	Repair of eardrum	4.42	5.39	3.27	0.37	10.18	8.06	010
69620		A	Repair of eardrum	5.88	6.13	4.51	0.48	12.49	10.87	090
69631		A	Repair eardrum structures	9.85	NA	7.85	0.83	NA	18.53	090
69632		A	Rebuild eardrum structures	12.73	NA	9.72	1.07	NA	23.52	090
69633		A	Rebuild eardrum structures	12.08	NA	9.38	1.01	NA	22.47	090
69635		A	Repair eardrum structures	13.31	NA	9.38	1.05	NA	23.74	090
69636		A	Rebuild eardrum structures	15.20	NA	11.15	1.29	NA	27.64	090
69637		A	Rebuild eardrum structures	15.09	NA	11.09	1.28	NA	27.46	090
69641		A	Revise middle ear & mastoid	12.69	NA	9.47	1.07	NA	23.23	090
69642		A	Revise middle ear & mastoid	16.81	NA	12.11	1.42	NA	30.34	090
69643		A	Revise middle ear & mastoid	15.30	NA	11.15	1.30	NA	27.75	090
69644		A	Revise middle ear & mastoid	16.94	NA	12.06	1.44	NA	30.44	090
69645		A	Revise middle ear & mastoid	16.36	NA	11.70	1.40	NA	29.46	090
69646		A	Revise middle ear & mastoid	17.96	NA	12.63	1.52	NA	32.11	090
69650		A	Release middle ear bone	9.65	NA	7.40	0.82	NA	17.87	090
69660		A	Revise middle ear bone	11.88	NA	8.60	1.01	NA	21.49	090
69661		A	Revise middle ear bone	15.72	NA	11.07	1.33	NA	28.12	090
69662		A	Revise middle ear bone	15.42	NA	10.79	1.30	NA	27.51	090
69666		A	Repair middle ear structures	9.74	NA	7.48	0.82	NA	18.04	090
69667		A	Repair middle ear structures	9.75	NA	7.46	0.87	NA	18.08	090
69670		A	Remove mastoid air cells	11.49	NA	8.63	0.94	NA	21.06	090
69676		A	Remove middle ear nerve	9.51	NA	7.60	0.83	NA	17.94	090
69700		A	Close mastoid fistula	8.22	NA	5.87	0.66	NA	14.75	090
69710		N	Implant/replace hearing aid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
69711		A	Remove/repair hearing aid	10.42	NA	8.06	0.75	NA	19.23	090
69714		A	Implant temple bone w/stimul	13.98	NA	9.89	1.22	NA	25.09	090
69715		A	Temple bne implnt w/stimulat	18.22	NA	12.37	1.59	NA	32.18	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
69717		A	Temple bone implant revision	14.96	NA	9.55	1.30	NA	25.81	090
69718		A	Revise temple bone implant	18.47	NA	12.27	1.62	NA	32.36	090
69720		A	Release facial nerve	14.36	NA	10.74	1.24	NA	26.34	090
69725		A	Release facial nerve	25.34	NA	16.83	2.15	NA	44.32	090
69740		A	Repair facial nerve	15.94	NA	10.35	1.36	NA	27.65	090
69745		A	Repair facial nerve	16.66	NA	11.34	1.21	NA	29.21	090
69799		C	Middle ear surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69801		A	Incise inner ear	8.55	NA	6.81	0.72	NA	16.08	090
69802		A	Incise inner ear	13.08	NA	9.59	1.10	NA	23.77	090
69805		A	Explore inner ear	13.80	NA	10.04	1.17	NA	25.01	090
69806		A	Explore inner ear	12.33	NA	9.17	1.04	NA	22.54	090
69820		A	Establish inner ear window	10.32	NA	7.83	0.80	NA	18.95	090
69840		A	Revise inner ear window	10.24	NA	6.91	0.77	NA	17.92	090
69905		A	Remove inner ear	11.08	NA	8.30	0.93	NA	20.31	090
69910		A	Remove inner ear & mastoid	13.61	NA	9.70	1.13	NA	24.44	090
69915		A	Incise inner ear nerve	21.20	NA	14.15	1.86	NA	37.21	090
69930		A	Implant cochlear device	16.78	NA	11.81	1.44	NA	30.03	090
69949		C	Inner ear surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69950		A	Incise inner ear nerve	25.60	NA	16.04	3.50	NA	45.14	090
69955		A	Release facial nerve	27.00	NA	17.57	2.28	NA	46.85	090
69960		A	Release inner ear canal	27.00	NA	17.04	2.93	NA	46.97	090
69970		A	Remove inner ear lesion	29.99	NA	18.32	2.82	NA	51.13	090
69979		C	Temporal bone surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69990		R	Microsurgery add-on	3.46	NA	1.80	0.68	NA	5.94	ZZZ
70010		A	Contrast x-ray of brain	1.19	4.73	NA	0.29	6.21	NA	XXX
70010	26	A	Contrast x-ray of brain	1.19	0.39	0.39	0.07	1.65	1.65	XXX
70010	TC	A	Contrast x-ray of brain	0.00	4.34	NA	0.22	4.56	NA	XXX
70015		A	Contrast x-ray of brain	1.19	1.75	NA	0.14	3.08	NA	XXX
70015	26	A	Contrast x-ray of brain	1.19	0.39	0.39	0.06	1.64	1.64	XXX
70015	TC	A	Contrast x-ray of brain	0.00	1.36	NA	0.08	1.44	NA	XXX
70030		A	X-ray eye for foreign body	0.17	0.47	NA	0.03	0.67	NA	XXX
70030	26	A	X-ray eye for foreign body	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70030	TC	A	X-ray eye for foreign body	0.00	0.41	NA	0.02	0.43	NA	XXX
70100		A	X-ray exam of jaw	0.18	0.58	NA	0.03	0.79	NA	XXX
70100	26	A	X-ray exam of jaw	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70100	TC	A	X-ray exam of jaw	0.00	0.52	NA	0.02	0.54	NA	XXX
70110		A	X-ray exam of jaw	0.25	0.70	NA	0.05	1.00	NA	XXX
70110	26	A	X-ray exam of jaw	0.25	0.08	0.08	0.01	0.34	0.34	XXX
70110	TC	A	X-ray exam of jaw	0.00	0.62	NA	0.04	0.66	NA	XXX
70120		A	X-ray exam of mastoids	0.18	0.68	NA	0.05	0.91	NA	XXX
70120	26	A	X-ray exam of mastoids	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70120	TC	A	X-ray exam of mastoids	0.00	0.62	NA	0.04	0.66	NA	XXX
70130		A	X-ray exam of mastoids	0.34	0.90	NA	0.06	1.30	NA	XXX
70130	26	A	X-ray exam of mastoids	0.34	0.11	0.11	0.01	0.46	0.46	XXX
70130	TC	A	X-ray exam of mastoids	0.00	0.79	NA	0.05	0.84	NA	XXX
70134		A	X-ray exam of middle ear	0.34	0.85	NA	0.06	1.25	NA	XXX
70134	26	A	X-ray exam of middle ear	0.34	0.11	0.11	0.01	0.46	0.46	XXX
70134	TC	A	X-ray exam of middle ear	0.00	0.74	NA	0.05	0.79	NA	XXX
70140		A	X-ray exam of facial bones	0.19	0.68	NA	0.05	0.92	NA	XXX
70140	26	A	X-ray exam of facial bones	0.19	0.06	0.06	0.01	0.26	0.26	XXX
70140	TC	A	X-ray exam of facial bones	0.00	0.62	NA	0.04	0.66	NA	XXX
70150		A	X-ray exam of facial bones	0.26	0.88	NA	0.06	1.20	NA	XXX
70150	26	A	X-ray exam of facial bones	0.26	0.09	0.09	0.01	0.36	0.36	XXX
70150	TC	A	X-ray exam of facial bones	0.00	0.79	NA	0.05	0.84	NA	XXX
70160		A	X-ray exam of nasal bones	0.17	0.58	NA	0.03	0.78	NA	XXX
70160	26	A	X-ray exam of nasal bones	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70160	TC	A	X-ray exam of nasal bones	0.00	0.52	NA	0.02	0.54	NA	XXX
70170		A	X-ray exam of tear duct	0.30	1.05	NA	0.07	1.42	NA	XXX
70170	26	A	X-ray exam of tear duct	0.30	0.10	0.10	0.01	0.41	0.41	XXX
70170	TC	A	X-ray exam of tear duct	0.00	0.95	NA	0.06	1.01	NA	XXX
70190		A	X-ray exam of eye sockets	0.21	0.69	NA	0.05	0.95	NA	XXX
70190	26	A	X-ray exam of eye sockets	0.21	0.07	0.07	0.01	0.29	0.29	XXX
70190	TC	A	X-ray exam of eye sockets	0.00	0.62	NA	0.04	0.66	NA	XXX
70200		A	X-ray exam of eye sockets	0.28	0.88	NA	0.06	1.22	NA	XXX
70200	26	A	X-ray exam of eye sockets	0.28	0.09	0.09	0.01	0.38	0.38	XXX
70200	TC	A	X-ray exam of eye sockets	0.00	0.79	NA	0.05	0.84	NA	XXX
70210		A	X-ray exam of sinuses	0.17	0.68	NA	0.05	0.90	NA	XXX
70210	26	A	X-ray exam of sinuses	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70210	TC	A	X-ray exam of sinuses	0.00	0.62	NA	0.04	0.66	NA	XXX
70220		A	X-ray exam of sinuses	0.25	0.87	NA	0.06	1.18	NA	XXX
70220	26	A	X-ray exam of sinuses	0.25	0.08	0.08	0.01	0.34	0.34	XXX
70220	TC	A	X-ray exam of sinuses	0.00	0.79	NA	0.05	0.84	NA	XXX
70240		A	X-ray exam, pituitary saddle	0.19	0.47	NA	0.03	0.69	NA	XXX
70240	26	A	X-ray exam, pituitary saddle	0.19	0.06	0.06	0.01	0.26	0.26	XXX
70240	TC	A	X-ray exam, pituitary saddle	0.00	0.41	NA	0.02	0.43	NA	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
70250		A	X-ray exam of skull	0.24	0.70	NA	0.05	0.99	NA	XXX
70250	26	A	X-ray exam of skull	0.24	0.08	0.08	0.01	0.33	0.33	XXX
70250	TC	A	X-ray exam of skull	0.00	0.62	NA	0.04	0.66	NA	XXX
70260		A	X-ray exam of skull	0.34	1.00	NA	0.07	1.41	NA	XXX
70260	26	A	X-ray exam of skull	0.34	0.11	0.11	0.01	0.46	0.46	XXX
70260	TC	A	X-ray exam of skull	0.00	0.89	NA	0.06	0.95	NA	XXX
70300		A	X-ray exam of teeth	0.10	0.32	NA	0.03	0.45	NA	XXX
70300	26	A	X-ray exam of teeth	0.10	0.05	0.05	0.01	0.16	0.16	XXX
70300	TC	A	X-ray exam of teeth	0.00	0.27	NA	0.02	0.29	NA	XXX
70310		A	X-ray exam of teeth	0.16	0.49	NA	0.03	0.68	NA	XXX
70310	26	A	X-ray exam of teeth	0.16	0.08	0.08	0.01	0.25	0.25	XXX
70310	TC	A	X-ray exam of teeth	0.00	0.41	NA	0.02	0.43	NA	XXX
70320		A	Full mouth x-ray of teeth	0.22	0.87	NA	0.06	1.15	NA	XXX
70320	26	A	Full mouth x-ray of teeth	0.22	0.08	0.08	0.01	0.31	0.31	XXX
70320	TC	A	Full mouth x-ray of teeth	0.00	0.79	NA	0.05	0.84	NA	XXX
70328		A	X-ray exam of jaw joint	0.18	0.55	NA	0.03	0.76	NA	XXX
70328	26	A	X-ray exam of jaw joint	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70328	TC	A	X-ray exam of jaw joint	0.00	0.49	NA	0.02	0.51	NA	XXX
70330		A	X-ray exam of jaw joints	0.24	0.93	NA	0.06	1.23	NA	XXX
70330	26	A	X-ray exam of jaw joints	0.24	0.08	0.08	0.01	0.33	0.33	XXX
70330	TC	A	X-ray exam of jaw joints	0.00	0.85	NA	0.05	0.90	NA	XXX
70332		A	X-ray exam of jaw joint	0.54	2.30	NA	0.14	2.98	NA	XXX
70332	26	A	X-ray exam of jaw joint	0.54	0.20	0.20	0.02	0.76	0.76	XXX
70332	TC	A	X-ray exam of jaw joint	0.00	2.10	NA	0.12	2.22	NA	XXX
70336		A	Magnetic image, jaw joint	1.48	11.72	NA	0.67	13.87	NA	XXX
70336	26	A	Magnetic image, jaw joint	1.48	0.48	0.48	0.08	2.04	2.04	XXX
70336	TC	A	Magnetic image, jaw joint	0.00	11.24	NA	0.59	11.83	NA	XXX
70350		A	X-ray head for orthodontia	0.17	0.44	NA	0.03	0.64	NA	XXX
70350	26	A	X-ray head for orthodontia	0.17	0.07	0.07	0.01	0.25	0.25	XXX
70350	TC	A	X-ray head for orthodontia	0.00	0.37	NA	0.02	0.39	NA	XXX
70355		A	Panoramic x-ray of jaws	0.20	0.65	NA	0.05	0.90	NA	XXX
70355	26	A	Panoramic x-ray of jaws	0.20	0.08	0.08	0.01	0.29	0.29	XXX
70355	TC	A	Panoramic x-ray of jaws	0.00	0.57	NA	0.04	0.61	NA	XXX
70360		A	X-ray exam of neck	0.17	0.47	NA	0.03	0.67	NA	XXX
70360	26	A	X-ray exam of neck	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70360	TC	A	X-ray exam of neck	0.00	0.41	NA	0.02	0.43	NA	XXX
70370		A	Throat x-ray & fluoroscopy	0.32	1.42	NA	0.08	1.82	NA	XXX
70370	26	A	Throat x-ray & fluoroscopy	0.32	0.11	0.11	0.01	0.44	0.44	XXX
70370	TC	A	Throat x-ray & fluoroscopy	0.00	1.31	NA	0.07	1.38	NA	XXX
70371		A	Speech evaluation, complex	0.84	2.38	NA	0.17	3.39	NA	XXX
70371	26	A	Speech evaluation, complex	0.84	0.28	0.28	0.05	1.17	1.17	XXX
70371	TC	A	Speech evaluation, complex	0.00	2.10	NA	0.12	2.22	NA	XXX
70373		A	Contrast x-ray of larynx	0.44	1.94	NA	0.13	2.51	NA	XXX
70373	26	A	Contrast x-ray of larynx	0.44	0.15	0.15	0.02	0.61	0.61	XXX
70373	TC	A	Contrast x-ray of larynx	0.00	1.79	NA	0.11	1.90	NA	XXX
70380		A	X-ray exam of salivary gland	0.17	0.73	NA	0.05	0.95	NA	XXX
70380	26	A	X-ray exam of salivary gland	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70380	TC	A	X-ray exam of salivary gland	0.00	0.67	NA	0.04	0.71	NA	XXX
70390		A	X-ray exam of salivary duct	0.38	1.92	NA	0.13	2.43	NA	XXX
70390	26	A	X-ray exam of salivary duct	0.38	0.13	0.13	0.02	0.53	0.53	XXX
70390	TC	A	X-ray exam of salivary duct	0.00	1.79	NA	0.11	1.90	NA	XXX
70450		A	Ct head/brain w/o dye	0.85	5.02	NA	0.30	6.17	NA	XXX
70450	26	A	Ct head/brain w/o dye	0.85	0.28	0.28	0.05	1.18	1.18	XXX
70450	TC	A	Ct head/brain w/o dye	0.00	4.74	NA	0.25	4.99	NA	XXX
70460		A	Ct head/brain w/dye	1.13	6.04	NA	0.36	7.53	NA	XXX
70460	26	A	Ct head/brain w/dye	1.13	0.37	0.37	0.06	1.56	1.56	XXX
70460	TC	A	Ct head/brain w/dye	0.00	5.67	NA	0.30	5.97	NA	XXX
70470		A	Ct head/brain w/o & w/ dye	1.27	7.51	NA	0.44	9.22	NA	XXX
70470	26	A	Ct head/brain w/o & w/ dye	1.27	0.41	0.41	0.07	1.75	1.75	XXX
70470	TC	A	Ct head/brain w/o & w/ dye	0.00	7.10	NA	0.37	7.47	NA	XXX
70480		A	Ct orbit/ear/fossa w/o dye	1.28	5.16	NA	0.32	6.76	NA	XXX
70480	26	A	Ct orbit/ear/fossa w/o dye	1.28	0.42	0.42	0.07	1.77	1.77	XXX
70480	TC	A	Ct orbit/ear/fossa w/o dye	0.00	4.74	NA	0.25	4.99	NA	XXX
70481		A	Ct orbit/ear/fossa w/dye	1.38	6.12	NA	0.37	7.87	NA	XXX
70481	26	A	Ct orbit/ear/fossa w/dye	1.38	0.45	0.45	0.07	1.90	1.90	XXX
70481	TC	A	Ct orbit/ear/fossa w/dye	0.00	5.67	NA	0.30	5.97	NA	XXX
70482		A	Ct orbit/ear/fossa w/o&w dye	1.45	7.57	NA	0.44	9.46	NA	XXX
70482	26	A	Ct orbit/ear/fossa w/o&w dye	1.45	0.47	0.47	0.07	1.99	1.99	XXX
70482	TC	A	Ct orbit/ear/fossa w/o&w dye	0.00	7.10	NA	0.37	7.47	NA	XXX
70486		A	Ct maxillofacial w/o dye	1.14	5.11	NA	0.31	6.56	NA	XXX
70486	26	A	Ct maxillofacial w/o dye	1.14	0.37	0.37	0.06	1.57	1.57	XXX
70486	TC	A	Ct maxillofacial w/o dye	0.00	4.74	NA	0.25	4.99	NA	XXX
70487		A	Ct maxillofacial w/dye	1.30	6.09	NA	0.37	7.76	NA	XXX
70487	26	A	Ct maxillofacial w/dye	1.30	0.42	0.42	0.07	1.79	1.79	XXX
70487	TC	A	Ct maxillofacial w/dye	0.00	5.67	NA	0.30	5.97	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
70488		A	Ct maxillofacial w/o & w dye	1.42	7.56	NA	0.44	9.42	NA	XXX
70488	26	A	Ct maxillofacial w/o & w dye	1.42	0.46	0.46	0.07	1.95	1.95	XXX
70488	TC	A	Ct maxillofacial w/o & w dye	0.00	7.10	NA	0.37	7.47	NA	XXX
70490		A	Ct soft tissue neck w/o dye	1.28	5.16	NA	0.32	6.76	NA	XXX
70490	26	A	Ct soft tissue neck w/o dye	1.28	0.42	0.42	0.07	1.77	1.77	XXX
70490	TC	A	Ct soft tissue neck w/o dye	0.00	4.74	NA	0.25	4.99	NA	XXX
70491		A	Ct soft tissue neck w/dye	1.38	6.12	NA	0.37	7.87	NA	XXX
70491	26	A	Ct soft tissue neck w/dye	1.38	0.45	0.45	0.07	1.90	1.90	XXX
70491	TC	A	Ct soft tissue neck w/dye	0.00	5.67	NA	0.30	5.97	NA	XXX
70492		A	Ct sft tsue nck w/o & w/dye	1.45	7.57	NA	0.44	9.46	NA	XXX
70492	26	A	Ct sft tsue nck w/o & w/dye	1.45	0.47	0.47	0.07	1.99	1.99	XXX
70492	TC	A	Ct sft tsue nck w/o & w/dye	0.00	7.10	NA	0.37	7.47	NA	XXX
70496		A	Ct angiography, head	1.75	11.22	NA	0.68	13.65	NA	XXX
70496	26	A	Ct angiography, head	1.75	0.57	0.57	0.10	2.42	2.42	XXX
70496	TC	A	Ct angiography, head	0.00	10.65	NA	0.58	11.23	NA	XXX
70498		A	Ct angiography, neck	1.75	11.22	NA	0.68	13.65	NA	XXX
70498	26	A	Ct angiography, neck	1.75	0.57	0.57	0.10	2.42	2.42	XXX
70498	TC	A	Ct angiography, neck	0.00	10.65	NA	0.58	11.23	NA	XXX
70540		A	Mri orbit/face/neck w/o dye	1.35	11.68	NA	0.44	13.47	NA	XXX
70540	26	A	Mri orbit/face/neck w/o dye	1.35	0.44	0.44	0.05	1.84	1.84	XXX
70540	TC	A	Mri orbit/face/neck w/o dye	0.00	11.24	NA	0.39	11.63	NA	XXX
70542		A	Mri orbit/face/neck w/dye	1.62	14.02	NA	0.53	16.17	NA	XXX
70542	26	A	Mri orbit/face/neck w/dye	1.62	0.53	0.53	0.06	2.21	2.21	XXX
70542	TC	A	Mri orbit/face/neck w/dye	0.00	13.49	NA	0.47	13.96	NA	XXX
70543		A	Mri orbt/fac/nck w/o & w dye	2.15	25.69	NA	0.92	28.76	NA	XXX
70543	26	A	Mri orbt/fac/nck w/o & w dye	2.15	0.71	0.71	0.08	2.94	2.94	XXX
70543	TC	A	Mri orbt/fac/nck w/o & w dye	0.00	24.98	NA	0.84	25.82	NA	XXX
70544		A	Mr angiography head w/o dye	1.20	11.63	NA	0.65	13.48	NA	XXX
70544	26	A	Mr angiography head w/o dye	1.20	0.39	0.39	0.06	1.65	1.65	XXX
70544	TC	A	Mr angiography head w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
70545		A	Mr angiography head w/dye	1.20	11.63	NA	0.65	13.48	NA	XXX
70545	26	A	Mr angiography head w/dye	1.20	0.39	0.39	0.06	1.65	1.65	XXX
70545	TC	A	Mr angiography head w/dye	0.00	11.24	NA	0.59	11.83	NA	XXX
70546		A	Mr angiograph head w/o&w dye	1.80	23.08	NA	0.69	25.57	NA	XXX
70546	26	A	Mr angiograph head w/o&w dye	1.80	0.59	0.59	0.10	2.49	2.49	XXX
70546	TC	A	Mr angiograph head w/o&w dye	0.00	22.49	NA	0.59	23.08	NA	XXX
70547		A	Mr angiography neck w/o dye	1.20	11.63	NA	0.65	13.48	NA	XXX
70547	26	A	Mr angiography neck w/o dye	1.20	0.39	0.39	0.06	1.65	1.65	XXX
70547	TC	A	Mr angiography neck w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
70548		A	Mr angiography neck w/dye	1.20	11.63	NA	0.65	13.48	NA	XXX
70548	26	A	Mr angiography neck w/dye	1.20	0.39	0.39	0.06	1.65	1.65	XXX
70548	TC	A	Mr angiography neck w/dye	0.00	11.24	NA	0.59	11.83	NA	XXX
70549		A	Mr angiograph neck w/o&w dye	1.80	23.08	NA	0.69	25.57	NA	XXX
70549	26	A	Mr angiograph neck w/o&w dye	1.80	0.59	0.59	0.10	2.49	2.49	XXX
70549	TC	A	Mr angiograph neck w/o&w dye	0.00	22.49	NA	0.59	23.08	NA	XXX
70551		A	Mri brain w/o dye	1.48	11.73	NA	0.67	13.88	NA	XXX
70551	26	A	Mri brain w/o dye	1.48	0.49	0.49	0.08	2.05	2.05	XXX
70551	TC	A	Mri brain w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
70552		A	Mri brain w/ dye	1.78	14.08	NA	0.80	16.66	NA	XXX
70552	26	A	Mri brain w/ dye	1.78	0.59	0.59	0.10	2.47	2.47	XXX
70552	TC	A	Mri brain w/ dye	0.00	13.49	NA	0.70	14.19	NA	XXX
70553		A	Mri brain w/o & w/ dye	2.36	25.76	NA	1.43	29.55	NA	XXX
70553	26	A	Mri brain w/o & w/ dye	2.36	0.78	0.78	0.12	3.26	3.26	XXX
70553	TC	A	Mri brain w/o & w/ dye	0.00	24.98	NA	1.31	26.29	NA	XXX
70557		C	Mri brain w/o dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70557	26	A	Mri brain w/o dye	2.90	0.98	0.98	0.08	3.96	3.96	XXX
70557	TC	C	Mri brain w/o dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70558		C	Mri brain w/ dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70558	26	A	Mri brain w/ dye	3.20	1.08	1.08	0.10	4.38	4.38	XXX
70558	TC	C	Mri brain w/ dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70559		C	Mri brain w/o & w/ dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70559	26	A	Mri brain w/o & w/ dye	3.20	1.08	1.08	0.12	4.40	4.40	XXX
70559	TC	C	Mri brain w/o & w/ dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
71010		A	Chest x-ray	0.18	0.53	NA	0.03	0.74	NA	XXX
71010	26	A	Chest x-ray	0.18	0.06	0.06	0.01	0.25	0.25	XXX
71010	TC	A	Chest x-ray	0.00	0.47	NA	0.02	0.49	NA	XXX
71015		A	Chest x-ray	0.21	0.59	NA	0.03	0.83	NA	XXX
71015	26	A	Chest x-ray	0.21	0.07	0.07	0.01	0.29	0.29	XXX
71015	TC	A	Chest x-ray	0.00	0.52	NA	0.02	0.54	NA	XXX
71020		A	Chest x-ray	0.22	0.69	NA	0.05	0.96	NA	XXX
71020	26	A	Chest x-ray	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71020	TC	A	Chest x-ray	0.00	0.62	NA	0.04	0.66	NA	XXX
71021		A	Chest x-ray	0.27	0.83	NA	0.06	1.16	NA	XXX
71021	26	A	Chest x-ray	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71021	TC	A	Chest x-ray	0.00	0.74	NA	0.05	0.79	NA	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
71022		A	Chest x-ray	0.31	0.84	NA	0.07	1.22	NA	XXX
71022	26	A	Chest x-ray	0.31	0.10	0.10	0.02	0.43	0.43	XXX
71022	TC	A	Chest x-ray	0.00	0.74	NA	0.05	0.79	NA	XXX
71023		A	Chest x-ray and fluoroscopy	0.38	0.92	NA	0.07	1.37	NA	XXX
71023	26	A	Chest x-ray and fluoroscopy	0.38	0.13	0.13	0.02	0.53	0.53	XXX
71023	TC	A	Chest x-ray and fluoroscopy	0.00	0.79	NA	0.05	0.84	NA	XXX
71030		A	Chest x-ray	0.31	0.89	NA	0.06	1.26	NA	XXX
71030	26	A	Chest x-ray	0.31	0.10	0.10	0.01	0.42	0.42	XXX
71030	TC	A	Chest x-ray	0.00	0.79	NA	0.05	0.84	NA	XXX
71034		A	Chest x-ray and fluoroscopy	0.46	1.60	NA	0.10	2.16	NA	XXX
71034	26	A	Chest x-ray and fluoroscopy	0.46	0.16	0.16	0.02	0.64	0.64	XXX
71034	TC	A	Chest x-ray and fluoroscopy	0.00	1.44	NA	0.08	1.52	NA	XXX
71035		A	Chest x-ray	0.18	0.58	NA	0.03	0.79	NA	XXX
71035	26	A	Chest x-ray	0.18	0.06	0.06	0.01	0.25	0.25	XXX
71035	TC	A	Chest x-ray	0.00	0.52	NA	0.02	0.54	NA	XXX
71040		A	Contrast x-ray of bronchi	0.58	1.65	NA	0.12	2.35	NA	XXX
71040	26	A	Contrast x-ray of bronchi	0.58	0.19	0.19	0.04	0.81	0.81	XXX
71040	TC	A	Contrast x-ray of bronchi	0.00	1.46	NA	0.08	1.54	NA	XXX
71060		A	Contrast x-ray of bronchi	0.74	2.46	NA	0.17	3.37	NA	XXX
71060	26	A	Contrast x-ray of bronchi	0.74	0.25	0.25	0.04	1.03	1.03	XXX
71060	TC	A	Contrast x-ray of bronchi	0.00	2.21	NA	0.13	2.34	NA	XXX
71090		A	X-ray & pacemaker insertion	0.54	1.90	NA	0.13	2.57	NA	XXX
71090	26	A	X-ray & pacemaker insertion	0.54	0.21	0.21	0.02	0.77	0.77	XXX
71090	TC	A	X-ray & pacemaker insertion	0.00	1.69	NA	0.11	1.80	NA	XXX
71100		A	X-ray exam of ribs	0.22	0.64	NA	0.05	0.91	NA	XXX
71100	26	A	X-ray exam of ribs	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71100	TC	A	X-ray exam of ribs	0.00	0.57	NA	0.04	0.61	NA	XXX
71101		A	X-ray exam of ribs/chest	0.27	0.76	NA	0.05	1.08	NA	XXX
71101	26	A	X-ray exam of ribs/chest	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71101	TC	A	X-ray exam of ribs/chest	0.00	0.67	NA	0.04	0.71	NA	XXX
71110		A	X-ray exam of ribs	0.27	0.88	NA	0.06	1.21	NA	XXX
71110	26	A	X-ray exam of ribs	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71110	TC	A	X-ray exam of ribs	0.00	0.79	NA	0.05	0.84	NA	XXX
71111		A	X-ray exam of ribs/ chest	0.32	1.00	NA	0.07	1.39	NA	XXX
71111	26	A	X-ray exam of ribs/ chest	0.32	0.11	0.11	0.01	0.44	0.44	XXX
71111	TC	A	X-ray exam of ribs/ chest	0.00	0.89	NA	0.06	0.95	NA	XXX
71120		A	X-ray exam of breastbone	0.20	0.72	NA	0.05	0.97	NA	XXX
71120	26	A	X-ray exam of breastbone	0.20	0.07	0.07	0.01	0.28	0.28	XXX
71120	TC	A	X-ray exam of breastbone	0.00	0.65	NA	0.04	0.69	NA	XXX
71130		A	X-ray exam of breastbone	0.22	0.78	NA	0.05	1.05	NA	XXX
71130	26	A	X-ray exam of breastbone	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71130	TC	A	X-ray exam of breastbone	0.00	0.71	NA	0.04	0.75	NA	XXX
71250		A	Ct thorax w/o dye	1.16	6.31	NA	0.37	7.84	NA	XXX
71250	26	A	Ct thorax w/o dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
71250	TC	A	Ct thorax w/o dye	0.00	5.93	NA	0.31	6.24	NA	XXX
71260		A	Ct thorax w/dye	1.24	7.50	NA	0.43	9.17	NA	XXX
71260	26	A	Ct thorax w/dye	1.24	0.40	0.40	0.06	1.70	1.70	XXX
71260	TC	A	Ct thorax w/dye	0.00	7.10	NA	0.37	7.47	NA	XXX
71270		A	Ct thorax w/o & w/ dye	1.38	9.33	NA	0.53	11.24	NA	XXX
71270	26	A	Ct thorax w/o & w/ dye	1.38	0.45	0.45	0.07	1.90	1.90	XXX
71270	TC	A	Ct thorax w/o & w/ dye	0.00	8.88	NA	0.46	9.34	NA	XXX
71275		A	Ct angiography, chest	1.92	13.05	NA	0.46	15.43	NA	XXX
71275	26	A	Ct angiography, chest	1.92	0.63	0.63	0.07	2.62	2.62	XXX
71275	TC	A	Ct angiography, chest	0.00	12.42	NA	0.39	12.81	NA	XXX
71550		A	Mri chest w/o dye	1.46	11.72	NA	0.50	13.68	NA	XXX
71550	26	A	Mri chest w/o dye	1.46	0.48	0.48	0.05	1.99	1.99	XXX
71550	TC	A	Mri chest w/o dye	0.00	11.24	NA	0.45	11.69	NA	XXX
71551		A	Mri chest w/dye	1.73	14.06	NA	0.59	16.38	NA	XXX
71551	26	A	Mri chest w/dye	1.73	0.57	0.57	0.07	2.37	2.37	XXX
71551	TC	A	Mri chest w/dye	0.00	13.49	NA	0.52	14.01	NA	XXX
71552		A	Mri chest w/o & w/dye	2.26	25.72	NA	0.78	28.76	NA	XXX
71552	26	A	Mri chest w/o & w/dye	2.26	0.74	0.74	0.10	3.10	3.10	XXX
71552	TC	A	Mri chest w/o & w/dye	0.00	24.98	NA	0.68	25.66	NA	XXX
71555		R	Mri angio chest w or w/o dye	1.81	11.84	NA	0.69	14.34	NA	XXX
71555	26	R	Mri angio chest w or w/o dye	1.81	0.60	0.60	0.10	2.51	2.51	XXX
71555	TC	R	Mri angio chest w or w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
72010		A	X-ray exam of spine	0.45	1.18	NA	0.10	1.73	NA	XXX
72010	26	A	X-ray exam of spine	0.45	0.15	0.15	0.04	0.64	0.64	XXX
72010	TC	A	X-ray exam of spine	0.00	1.03	NA	0.06	1.09	NA	XXX
72020		A	X-ray exam of spine	0.15	0.46	NA	0.03	0.64	NA	XXX
72020	26	A	X-ray exam of spine	0.15	0.05	0.05	0.01	0.21	0.21	XXX
72020	TC	A	X-ray exam of spine	0.00	0.41	NA	0.02	0.43	NA	XXX
72040		A	X-ray exam of neck spine	0.22	0.67	NA	0.05	0.94	NA	XXX
72040	26	A	X-ray exam of neck spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72040	TC	A	X-ray exam of neck spine	0.00	0.60	NA	0.04	0.64	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
72050		A	X-ray exam of neck spine	0.31	0.99	NA	0.08	1.38	NA	XXX
72050	26	A	X-ray exam of neck spine	0.31	0.10	0.10	0.02	0.43	0.43	XXX
72050	TC	A	X-ray exam of neck spine	0.00	0.89	NA	0.06	0.95	NA	XXX
72052		A	X-ray exam of neck spine	0.36	1.25	NA	0.08	1.69	NA	XXX
72052	26	A	X-ray exam of neck spine	0.36	0.12	0.12	0.02	0.50	0.50	XXX
72052	TC	A	X-ray exam of neck spine	0.00	1.13	NA	0.06	1.19	NA	XXX
72069		A	X-ray exam of trunk spine	0.22	0.57	NA	0.04	0.83	NA	XXX
72069	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.02	0.32	0.32	XXX
72069	TC	A	X-ray exam of trunk spine	0.00	0.49	NA	0.02	0.51	NA	XXX
72070		A	X-ray exam of thoracic spine	0.22	0.72	NA	0.05	0.99	NA	XXX
72070	26	A	X-ray exam of thoracic spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72070	TC	A	X-ray exam of thoracic spine	0.00	0.65	NA	0.04	0.69	NA	XXX
72072		A	X-ray exam of thoracic spine	0.22	0.81	NA	0.06	1.09	NA	XXX
72072	26	A	X-ray exam of thoracic spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72072	TC	A	X-ray exam of thoracic spine	0.00	0.74	NA	0.05	0.79	NA	XXX
72074		A	X-ray exam of thoracic spine	0.22	0.98	NA	0.07	1.27	NA	XXX
72074	26	A	X-ray exam of thoracic spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72074	TC	A	X-ray exam of thoracic spine	0.00	0.91	NA	0.06	0.97	NA	XXX
72080		A	X-ray exam of trunk spine	0.22	0.74	NA	0.06	1.02	NA	XXX
72080	26	A	X-ray exam of trunk spine	0.22	0.07	0.07	0.02	0.31	0.31	XXX
72080	TC	A	X-ray exam of trunk spine	0.00	0.67	NA	0.04	0.71	NA	XXX
72090		A	X-ray exam of trunk spine	0.28	0.76	NA	0.06	1.10	NA	XXX
72090	26	A	X-ray exam of trunk spine	0.28	0.09	0.09	0.02	0.39	0.39	XXX
72090	TC	A	X-ray exam of trunk spine	0.00	0.67	NA	0.04	0.71	NA	XXX
72100		A	X-ray exam of lower spine	0.22	0.74	NA	0.06	1.02	NA	XXX
72100	26	A	X-ray exam of lower spine	0.22	0.07	0.07	0.02	0.31	0.31	XXX
72100	TC	A	X-ray exam of lower spine	0.00	0.67	NA	0.04	0.71	NA	XXX
72110		A	X-ray exam of lower spine	0.31	1.01	NA	0.08	1.40	NA	XXX
72110	26	A	X-ray exam of lower spine	0.31	0.10	0.10	0.02	0.43	0.43	XXX
72110	TC	A	X-ray exam of lower spine	0.00	0.91	NA	0.06	0.97	NA	XXX
72114		A	X-ray exam of lower spine	0.36	1.31	NA	0.10	1.77	NA	XXX
72114	26	A	X-ray exam of lower spine	0.36	0.12	0.12	0.04	0.52	0.52	XXX
72114	TC	A	X-ray exam of lower spine	0.00	1.19	NA	0.06	1.25	NA	XXX
72120		A	X-ray exam of lower spine	0.22	0.96	NA	0.08	1.26	NA	XXX
72120	26	A	X-ray exam of lower spine	0.22	0.07	0.07	0.02	0.31	0.31	XXX
72120	TC	A	X-ray exam of lower spine	0.00	0.89	NA	0.06	0.95	NA	XXX
72125		A	Ct neck spine w/o dye	1.16	6.31	NA	0.37	7.84	NA	XXX
72125	26	A	Ct neck spine w/o dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
72125	TC	A	Ct neck spine w/o dye	0.00	5.93	NA	0.31	6.24	NA	XXX
72126		A	Ct neck spine w/dye	1.22	7.49	NA	0.43	9.14	NA	XXX
72126	26	A	Ct neck spine w/dye	1.22	0.39	0.39	0.06	1.67	1.67	XXX
72126	TC	A	Ct neck spine w/dye	0.00	7.10	NA	0.37	7.47	NA	XXX
72127		A	Ct neck spine w/o & w/dye	1.27	9.29	NA	0.53	11.09	NA	XXX
72127	26	A	Ct neck spine w/o & w/dye	1.27	0.41	0.41	0.07	1.75	1.75	XXX
72127	TC	A	Ct neck spine w/o & w/dye	0.00	8.88	NA	0.46	9.34	NA	XXX
72128		A	Ct chest spine w/o dye	1.16	6.31	NA	0.37	7.84	NA	XXX
72128	26	A	Ct chest spine w/o dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
72128	TC	A	Ct chest spine w/o dye	0.00	5.93	NA	0.31	6.24	NA	XXX
72129		A	Ct chest spine w/dye	1.22	7.49	NA	0.43	9.14	NA	XXX
72129	26	A	Ct chest spine w/dye	1.22	0.39	0.39	0.06	1.67	1.67	XXX
72129	TC	A	Ct chest spine w/dye	0.00	7.10	NA	0.37	7.47	NA	XXX
72130		A	Ct chest spine w/o & w/dye	1.27	9.29	NA	0.53	11.09	NA	XXX
72130	26	A	Ct chest spine w/o & w/dye	1.27	0.41	0.41	0.07	1.75	1.75	XXX
72130	TC	A	Ct chest spine w/o & w/dye	0.00	8.88	NA	0.46	9.34	NA	XXX
72131		A	Ct lumbar spine w/o dye	1.16	6.31	NA	0.37	7.84	NA	XXX
72131	26	A	Ct lumbar spine w/o dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
72131	TC	A	Ct lumbar spine w/o dye	0.00	5.93	NA	0.31	6.24	NA	XXX
72132		A	Ct lumbar spine w/dye	1.22	7.50	NA	0.44	9.16	NA	XXX
72132	26	A	Ct lumbar spine w/dye	1.22	0.40	0.40	0.07	1.69	1.69	XXX
72132	TC	A	Ct lumbar spine w/dye	0.00	7.10	NA	0.37	7.47	NA	XXX
72133		A	Ct lumbar spine w/o & w/dye	1.27	9.30	NA	0.53	11.10	NA	XXX
72133	26	A	Ct lumbar spine w/o & w/dye	1.27	0.42	0.42	0.07	1.76	1.76	XXX
72133	TC	A	Ct lumbar spine w/o & w/dye	0.00	8.88	NA	0.46	9.34	NA	XXX
72141		A	Mri neck spine w/o dye	1.60	11.77	NA	0.67	14.04	NA	XXX
72141	26	A	Mri neck spine w/o dye	1.60	0.53	0.53	0.08	2.21	2.21	XXX
72141	TC	A	Mri neck spine w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
72142		A	Mri neck spine w/dye	1.92	14.14	NA	0.81	16.87	NA	XXX
72142	26	A	Mri neck spine w/dye	1.92	0.65	0.65	0.11	2.68	2.68	XXX
72142	TC	A	Mri neck spine w/dye	0.00	13.49	NA	0.70	14.19	NA	XXX
72146		A	Mri chest spine w/o dye	1.60	13.00	NA	0.72	15.32	NA	XXX
72146	26	A	Mri chest spine w/o dye	1.60	0.52	0.52	0.08	2.20	2.20	XXX
72146	TC	A	Mri chest spine w/o dye	0.00	12.48	NA	0.64	13.12	NA	XXX
72147		A	Mri chest spine w/dye	1.92	14.13	NA	0.81	16.86	NA	XXX
72147	26	A	Mri chest spine w/dye	1.92	0.64	0.64	0.11	2.67	2.67	XXX
72147	TC	A	Mri chest spine w/dye	0.00	13.49	NA	0.70	14.19	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
72148		A	Mri lumbar spine w/o dye	1.48	12.97	NA	0.72	15.17	NA	XXX
72148	26	A	Mri lumbar spine w/o dye	1.48	0.49	0.49	0.08	2.05	2.05	XXX
72148	TC	A	Mri lumbar spine w/o dye	0.00	12.48	NA	0.64	13.12	NA	XXX
72149		A	Mri lumbar spine w/dye	1.78	14.09	NA	0.81	16.68	NA	XXX
72149	26	A	Mri lumbar spine w/dye	1.78	0.60	0.60	0.11	2.49	2.49	XXX
72149	TC	A	Mri lumbar spine w/dye	0.00	13.49	NA	0.70	14.19	NA	XXX
72156		A	Mri neck spine w/o & w/dye	2.57	25.83	NA	1.44	29.84	NA	XXX
72156	26	A	Mri neck spine w/o & w/dye	2.57	0.85	0.85	0.13	3.55	3.55	XXX
72156	TC	A	Mri neck spine w/o & w/dye	0.00	24.98	NA	1.31	26.29	NA	XXX
72157		A	Mri chest spine w/o & w/dye	2.57	25.83	NA	1.44	29.84	NA	XXX
72157	26	A	Mri chest spine w/o & w/dye	2.57	0.85	0.85	0.13	3.55	3.55	XXX
72157	TC	A	Mri chest spine w/o & w/dye	0.00	24.98	NA	1.31	26.29	NA	XXX
72158		A	Mri lumbar spine w/o & w/dye	2.36	25.76	NA	1.44	29.56	NA	XXX
72158	26	A	Mri lumbar spine w/o & w/dye	2.36	0.78	0.78	0.13	3.27	3.27	XXX
72158	TC	A	Mri lumbar spine w/o & w/dye	0.00	24.98	NA	1.31	26.29	NA	XXX
72159		N	Mr angio spine w/o&w/dye	+1.80	12.92	12.92	0.74	15.46	15.46	XXX
72159	26	N	Mr angio spine w/o&w/dye	+1.80	0.69	0.69	0.10	2.59	2.59	XXX
72159	TC	N	Mr angio spine w/o&w/dye	+0.00	12.23	12.23	0.64	12.87	12.87	XXX
72170		A	X-ray exam of pelvis	0.17	0.58	NA	0.03	0.78	NA	XXX
72170	26	A	X-ray exam of pelvis	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72170	TC	A	X-ray exam of pelvis	0.00	0.52	NA	0.02	0.54	NA	XXX
72190		A	X-ray exam of pelvis	0.21	0.74	NA	0.05	1.00	NA	XXX
72190	26	A	X-ray exam of pelvis	0.21	0.07	0.07	0.01	0.29	0.29	XXX
72190	TC	A	X-ray exam of pelvis	0.00	0.67	NA	0.04	0.71	NA	XXX
72191		A	Ct angiograph pelv w/o&w/dye	1.81	12.67	NA	0.46	14.94	NA	XXX
72191	26	A	Ct angiograph pelv w/o&w/dye	1.81	0.60	0.60	0.07	2.48	2.48	XXX
72191	TC	A	Ct angiograph pelv w/o&w/dye	0.00	12.07	NA	0.39	12.46	NA	XXX
72192		A	Ct pelvis w/o dye	1.09	6.29	NA	0.37	7.75	NA	XXX
72192	26	A	Ct pelvis w/o dye	1.09	0.36	0.36	0.06	1.51	1.51	XXX
72192	TC	A	Ct pelvis w/o dye	0.00	5.93	NA	0.31	6.24	NA	XXX
72193		A	Ct pelvis w/dye	1.16	7.25	NA	0.42	8.83	NA	XXX
72193	26	A	Ct pelvis w/dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
72193	TC	A	Ct pelvis w/dye	0.00	6.87	NA	0.36	7.23	NA	XXX
72194		A	Ct pelvis w/o & w/dye	1.22	8.92	NA	0.49	10.63	NA	XXX
72194	26	A	Ct pelvis w/o & w/dye	1.22	0.40	0.40	0.06	1.68	1.68	XXX
72194	TC	A	Ct pelvis w/o & w/dye	0.00	8.52	NA	0.43	8.95	NA	XXX
72195		A	Mri pelvis w/o dye	1.46	11.72	NA	0.51	13.69	NA	XXX
72195	26	A	Mri pelvis w/o dye	1.46	0.48	0.48	0.06	2.00	2.00	XXX
72195	TC	A	Mri pelvis w/o dye	0.00	11.24	NA	0.45	11.69	NA	XXX
72196		A	Mri pelvis w/dye	1.73	14.06	NA	0.58	16.37	NA	XXX
72196	26	A	Mri pelvis w/dye	1.73	0.57	0.57	0.06	2.36	2.36	XXX
72196	TC	A	Mri pelvis w/dye	0.00	13.49	NA	0.52	14.01	NA	XXX
72197		A	Mri pelvis w/o & w/dye	2.26	25.72	NA	1.02	29.00	NA	XXX
72197	26	A	Mri pelvis w/o & w/dye	2.26	0.74	0.74	0.10	3.10	3.10	XXX
72197	TC	A	Mri pelvis w/o & w/dye	0.00	24.98	NA	0.92	25.90	NA	XXX
72198		A	Mr angio pelvis w/o & w/dye	1.80	11.92	NA	0.69	14.41	NA	XXX
72198	26	A	Mr angio pelvis w/o & w/dye	1.80	0.68	0.68	0.10	2.58	2.58	XXX
72198	TC	A	Mr angio pelvis w/o & w/dye	0.00	11.24	NA	0.59	11.83	NA	XXX
72200		A	X-ray exam sacroiliac joints	0.17	0.58	NA	0.03	0.78	NA	XXX
72200	26	A	X-ray exam sacroiliac joints	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72200	TC	A	X-ray exam sacroiliac joints	0.00	0.52	NA	0.02	0.54	NA	XXX
72202		A	X-ray exam sacroiliac joints	0.19	0.68	NA	0.05	0.92	NA	XXX
72202	26	A	X-ray exam sacroiliac joints	0.19	0.06	0.06	0.01	0.26	0.26	XXX
72202	TC	A	X-ray exam sacroiliac joints	0.00	0.62	NA	0.04	0.66	NA	XXX
72220		A	X-ray exam of tailbone	0.17	0.63	NA	0.05	0.85	NA	XXX
72220	26	A	X-ray exam of tailbone	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72220	TC	A	X-ray exam of tailbone	0.00	0.57	NA	0.04	0.61	NA	XXX
72240		A	Contrast x-ray of neck spine	0.91	5.06	NA	0.30	6.27	NA	XXX
72240	26	A	Contrast x-ray of neck spine	0.91	0.29	0.29	0.05	1.25	1.25	XXX
72240	TC	A	Contrast x-ray of neck spine	0.00	4.77	NA	0.25	5.02	NA	XXX
72255		A	Contrast x-ray, thorax spine	0.91	4.62	NA	0.27	5.80	NA	XXX
72255	26	A	Contrast x-ray, thorax spine	0.91	0.28	0.28	0.05	1.24	1.24	XXX
72255	TC	A	Contrast x-ray, thorax spine	0.00	4.34	NA	0.22	4.56	NA	XXX
72265		A	Contrast x-ray, lower spine	0.83	4.35	NA	0.27	5.45	NA	XXX
72265	26	A	Contrast x-ray, lower spine	0.83	0.26	0.26	0.05	1.14	1.14	XXX
72265	TC	A	Contrast x-ray, lower spine	0.00	4.09	NA	0.22	4.31	NA	XXX
72270		A	Contrast x-ray, spine	1.33	6.53	NA	0.41	8.27	NA	XXX
72270	26	A	Contrast x-ray, spine	1.33	0.41	0.41	0.08	1.82	1.82	XXX
72270	TC	A	Contrast x-ray, spine	0.00	6.12	NA	0.33	6.45	NA	XXX
72275		A	Epidurography	0.76	2.30	NA	0.26	3.32	NA	XXX
72275	26	A	Epidurography	0.76	0.20	0.20	0.04	1.00	1.00	XXX
72275	TC	A	Epidurography	0.00	2.10	NA	0.22	2.32	NA	XXX
72285		A	X-ray c/t spine disk	1.16	8.77	NA	0.50	10.43	NA	XXX
72285	26	A	X-ray c/t spine disk	1.16	0.36	0.36	0.07	1.59	1.59	XXX
72285	TC	A	X-ray c/t spine disk	0.00	8.41	NA	0.43	8.84	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
72295		A	X-ray of lower spine disk	0.83	8.15	NA	0.45	9.43	NA	XXX
72295	26	A	X-ray of lower spine disk	0.83	0.27	0.27	0.05	1.15	1.15	XXX
72295	TC	A	X-ray of lower spine disk	0.00	7.88	NA	0.40	8.28	NA	XXX
73000		A	X-ray exam of collar bone	0.16	0.57	NA	0.03	0.76	NA	XXX
73000	26	A	X-ray exam of collar bone	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73000	TC	A	X-ray exam of collar bone	0.00	0.52	NA	0.02	0.54	NA	XXX
73010		A	X-ray exam of shoulder blade	0.17	0.58	NA	0.03	0.78	NA	XXX
73010	26	A	X-ray exam of shoulder blade	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73010	TC	A	X-ray exam of shoulder blade	0.00	0.52	NA	0.02	0.54	NA	XXX
73020		A	X-ray exam of shoulder	0.15	0.52	NA	0.03	0.70	NA	XXX
73020	26	A	X-ray exam of shoulder	0.15	0.05	0.05	0.01	0.21	0.21	XXX
73020	TC	A	X-ray exam of shoulder	0.00	0.47	NA	0.02	0.49	NA	XXX
73030		A	X-ray exam of shoulder	0.18	0.63	NA	0.05	0.86	NA	XXX
73030	26	A	X-ray exam of shoulder	0.18	0.06	0.06	0.01	0.25	0.25	XXX
73030	TC	A	X-ray exam of shoulder	0.00	0.57	NA	0.04	0.61	NA	XXX
73040		A	Contrast x-ray of shoulder	0.54	2.28	NA	0.16	2.98	NA	XXX
73040	26	A	Contrast x-ray of shoulder	0.54	0.18	0.18	0.04	0.76	0.76	XXX
73040	TC	A	Contrast x-ray of shoulder	0.00	2.10	NA	0.12	2.22	NA	XXX
73050		A	X-ray exam of shoulders	0.20	0.74	NA	0.06	1.00	NA	XXX
73050	26	A	X-ray exam of shoulders	0.20	0.07	0.07	0.02	0.29	0.29	XXX
73050	TC	A	X-ray exam of shoulders	0.00	0.67	NA	0.04	0.71	NA	XXX
73060		A	X-ray exam of humerus	0.17	0.63	NA	0.05	0.85	NA	XXX
73060	26	A	X-ray exam of humerus	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73060	TC	A	X-ray exam of humerus	0.00	0.57	NA	0.04	0.61	NA	XXX
73070		A	X-ray exam of elbow	0.15	0.57	NA	0.03	0.75	NA	XXX
73070	26	A	X-ray exam of elbow	0.15	0.05	0.05	0.01	0.21	0.21	XXX
73070	TC	A	X-ray exam of elbow	0.00	0.52	NA	0.02	0.54	NA	XXX
73080		A	X-ray exam of elbow	0.17	0.63	NA	0.05	0.85	NA	XXX
73080	26	A	X-ray exam of elbow	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73080	TC	A	X-ray exam of elbow	0.00	0.57	NA	0.04	0.61	NA	XXX
73085		A	Contrast x-ray of elbow	0.54	2.29	NA	0.16	2.99	NA	XXX
73085	26	A	Contrast x-ray of elbow	0.54	0.19	0.19	0.04	0.77	0.77	XXX
73085	TC	A	Contrast x-ray of elbow	0.00	2.10	NA	0.12	2.22	NA	XXX
73090		A	X-ray exam of forearm	0.16	0.57	NA	0.03	0.76	NA	XXX
73090	26	A	X-ray exam of forearm	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73090	TC	A	X-ray exam of forearm	0.00	0.52	NA	0.02	0.54	NA	XXX
73092		A	X-ray exam of arm, infant	0.16	0.54	NA	0.03	0.73	NA	XXX
73092	26	A	X-ray exam of arm, infant	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73092	TC	A	X-ray exam of arm, infant	0.00	0.49	NA	0.02	0.51	NA	XXX
73100		A	X-ray exam of wrist	0.16	0.55	NA	0.04	0.75	NA	XXX
73100	26	A	X-ray exam of wrist	0.16	0.06	0.06	0.02	0.24	0.24	XXX
73100	TC	A	X-ray exam of wrist	0.00	0.49	NA	0.02	0.51	NA	XXX
73110		A	X-ray exam of wrist	0.17	0.59	NA	0.03	0.79	NA	XXX
73110	26	A	X-ray exam of wrist	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73110	TC	A	X-ray exam of wrist	0.00	0.53	NA	0.02	0.55	NA	XXX
73115		A	Contrast x-ray of wrist	0.54	1.77	NA	0.14	2.45	NA	XXX
73115	26	A	Contrast x-ray of wrist	0.54	0.19	0.19	0.04	0.77	0.77	XXX
73115	TC	A	Contrast x-ray of wrist	0.00	1.58	NA	0.10	1.68	NA	XXX
73120		A	X-ray exam of hand	0.16	0.54	NA	0.03	0.73	NA	XXX
73120	26	A	X-ray exam of hand	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73120	TC	A	X-ray exam of hand	0.00	0.49	NA	0.02	0.51	NA	XXX
73130		A	X-ray exam of hand	0.17	0.59	NA	0.03	0.79	NA	XXX
73130	26	A	X-ray exam of hand	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73130	TC	A	X-ray exam of hand	0.00	0.53	NA	0.02	0.55	NA	XXX
73140		A	X-ray exam of finger(s)	0.13	0.45	NA	0.03	0.61	NA	XXX
73140	26	A	X-ray exam of finger(s)	0.13	0.04	0.04	0.01	0.18	0.18	XXX
73140	TC	A	X-ray exam of finger(s)	0.00	0.41	NA	0.02	0.43	NA	XXX
73200		A	Ct upper extremity w/o dye	1.09	5.33	NA	0.31	6.73	NA	XXX
73200	26	A	Ct upper extremity w/o dye	1.09	0.36	0.36	0.06	1.51	1.51	XXX
73200	TC	A	Ct upper extremity w/o dye	0.00	4.97	NA	0.25	5.22	NA	XXX
73201		A	Ct upper extremity w/dye	1.16	6.31	NA	0.37	7.84	NA	XXX
73201	26	A	Ct upper extremity w/dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
73201	TC	A	Ct upper extremity w/dye	0.00	5.93	NA	0.31	6.24	NA	XXX
73202		A	Ct uppr extremity w/o&w/dye	1.22	7.85	NA	0.46	9.53	NA	XXX
73202	26	A	Ct uppr extremity w/o&w/dye	1.22	0.40	0.40	0.07	1.69	1.69	XXX
73202	TC	A	Ct uppr extremity w/o&w/dye	0.00	7.45	NA	0.39	7.84	NA	XXX
73206		A	Ct angio upr extrm w/o&w/dye	1.81	11.59	NA	0.46	13.86	NA	XXX
73206	26	A	Ct angio upr extrm w/o&w/dye	1.81	0.59	0.59	0.07	2.47	2.47	XXX
73206	TC	A	Ct angio upr extrm w/o&w/dye	0.00	11.00	NA	0.39	11.39	NA	XXX
73218		A	Mri upper extremity w/o dye	1.35	11.68	NA	0.44	13.47	NA	XXX
73218	26	A	Mri upper extremity w/o dye	1.35	0.44	0.44	0.05	1.84	1.84	XXX
73218	TC	A	Mri upper extremity w/o dye	0.00	11.24	NA	0.39	11.63	NA	XXX
73219		A	Mri upper extremity w/dye	1.62	14.02	NA	0.53	16.17	NA	XXX
73219	26	A	Mri upper extremity w/dye	1.62	0.53	0.53	0.06	2.21	2.21	XXX
73219	TC	A	Mri upper extremity w/dye	0.00	13.49	NA	0.47	13.96	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
73220		A	Mri uppr extremity w/o&w/dye	2.15	25.69	NA	0.94	28.78	NA	XXX
73220	26	A	Mri uppr extremity w/o&w/dye	2.15	0.71	0.71	0.10	2.96	2.96	XXX
73220	TC	A	Mri uppr extremity w/o&w/dye	0.00	24.98	NA	0.84	25.82	NA	XXX
73221		A	Mri joint upr extrem w/o dye	1.35	11.68	NA	0.44	13.47	NA	XXX
73221	26	A	Mri joint upr extrem w/o dye	1.35	0.44	0.44	0.05	1.84	1.84	XXX
73221	TC	A	Mri joint upr extrem w/o dye	0.00	11.24	NA	0.39	11.63	NA	XXX
73222		A	Mri joint upr extrem w/dye	1.62	14.02	NA	0.53	16.17	NA	XXX
73222	26	A	Mri joint upr extrem w/dye	1.62	0.53	0.53	0.06	2.21	2.21	XXX
73222	TC	A	Mri joint upr extrem w/dye	0.00	13.49	NA	0.47	13.96	NA	XXX
73223		A	Mri joint upr extr w/o&w/dye	2.15	25.69	NA	0.92	28.76	NA	XXX
73223	26	A	Mri joint upr extr w/o&w/dye	2.15	0.71	0.71	0.08	2.94	2.94	XXX
73223	TC	A	Mri joint upr extr w/o&w/dye	0.00	24.98	NA	0.84	25.82	NA	XXX
73225		N	Mr angio upr extr w/o&w/dye	+1.73	11.68	11.68	0.69	14.10	14.10	XXX
73225	26	N	Mr angio upr extr w/o&w/dye	+1.73	0.67	0.67	0.10	2.50	2.50	XXX
73225	TC	N	Mr angio upr extr w/o&w/dye	+0.00	11.01	11.01	0.59	11.60	11.60	XXX
73500		A	X-ray exam of hip	0.17	0.53	NA	0.03	0.73	NA	XXX
73500	26	A	X-ray exam of hip	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73500	TC	A	X-ray exam of hip	0.00	0.47	NA	0.02	0.49	NA	XXX
73510		A	X-ray exam of hip	0.21	0.64	NA	0.06	0.91	NA	XXX
73510	26	A	X-ray exam of hip	0.21	0.07	0.07	0.02	0.30	0.30	XXX
73510	TC	A	X-ray exam of hip	0.00	0.57	NA	0.04	0.61	NA	XXX
73520		A	X-ray exam of hips	0.26	0.76	NA	0.06	1.08	NA	XXX
73520	26	A	X-ray exam of hips	0.26	0.09	0.09	0.02	0.37	0.37	XXX
73520	TC	A	X-ray exam of hips	0.00	0.67	NA	0.04	0.71	NA	XXX
73525		A	Contrast x-ray of hip	0.54	2.28	NA	0.16	2.98	NA	XXX
73525	26	A	Contrast x-ray of hip	0.54	0.18	0.18	0.04	0.76	0.76	XXX
73525	TC	A	Contrast x-ray of hip	0.00	2.10	NA	0.12	2.22	NA	XXX
73530		A	X-ray exam of hip	0.29	0.62	NA	0.03	0.94	NA	XXX
73530	26	A	X-ray exam of hip	0.29	0.10	0.10	0.01	0.40	0.40	XXX
73530	TC	A	X-ray exam of hip	0.00	0.52	NA	0.02	0.54	NA	XXX
73540		A	X-ray exam of pelvis & hips	0.20	0.64	NA	0.06	0.90	NA	XXX
73540	26	A	X-ray exam of pelvis & hips	0.20	0.07	0.07	0.02	0.29	0.29	XXX
73540	TC	A	X-ray exam of pelvis & hips	0.00	0.57	NA	0.04	0.61	NA	XXX
73542		A	X-ray exam, sacroiliac joint	0.59	2.26	NA	0.16	3.01	NA	XXX
73542	26	A	X-ray exam, sacroiliac joint	0.59	0.16	0.16	0.04	0.79	0.79	XXX
73542	TC	A	X-ray exam, sacroiliac joint	0.00	2.10	NA	0.12	2.22	NA	XXX
73550		A	X-ray exam of thigh	0.17	0.63	NA	0.05	0.85	NA	XXX
73550	26	A	X-ray exam of thigh	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73550	TC	A	X-ray exam of thigh	0.00	0.57	NA	0.04	0.61	NA	XXX
73560		A	X-ray exam of knee, 1 or 2	0.17	0.58	NA	0.04	0.79	NA	XXX
73560	26	A	X-ray exam of knee, 1 or 2	0.17	0.06	0.06	0.02	0.25	0.25	XXX
73560	TC	A	X-ray exam of knee, 1 or 2	0.00	0.52	NA	0.02	0.54	NA	XXX
73562		A	X-ray exam of knee, 3	0.18	0.63	NA	0.06	0.87	NA	XXX
73562	26	A	X-ray exam of knee, 3	0.18	0.06	0.06	0.02	0.26	0.26	XXX
73562	TC	A	X-ray exam of knee, 3	0.00	0.57	NA	0.04	0.61	NA	XXX
73564		A	X-ray exam, knee, 4 or more	0.22	0.70	NA	0.06	0.98	NA	XXX
73564	26	A	X-ray exam, knee, 4 or more	0.22	0.08	0.08	0.02	0.32	0.32	XXX
73564	TC	A	X-ray exam, knee, 4 or more	0.00	0.62	NA	0.04	0.66	NA	XXX
73565		A	X-ray exam of knees	0.17	0.55	NA	0.04	0.76	NA	XXX
73565	26	A	X-ray exam of knees	0.17	0.06	0.06	0.02	0.25	0.25	XXX
73565	TC	A	X-ray exam of knees	0.00	0.49	NA	0.02	0.51	NA	XXX
73580		A	Contrast x-ray of knee joint	0.54	2.80	NA	0.18	3.52	NA	XXX
73580	26	A	Contrast x-ray of knee joint	0.54	0.18	0.18	0.04	0.76	0.76	XXX
73580	TC	A	Contrast x-ray of knee joint	0.00	2.62	NA	0.14	2.76	NA	XXX
73590		A	X-ray exam of lower leg	0.17	0.58	NA	0.03	0.78	NA	XXX
73590	26	A	X-ray exam of lower leg	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73590	TC	A	X-ray exam of lower leg	0.00	0.52	NA	0.02	0.54	NA	XXX
73592		A	X-ray exam of leg, infant	0.16	0.55	NA	0.03	0.74	NA	XXX
73592	26	A	X-ray exam of leg, infant	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73592	TC	A	X-ray exam of leg, infant	0.00	0.49	NA	0.02	0.51	NA	XXX
73600		A	X-ray exam of ankle	0.16	0.54	NA	0.03	0.73	NA	XXX
73600	26	A	X-ray exam of ankle	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73600	TC	A	X-ray exam of ankle	0.00	0.49	NA	0.02	0.51	NA	XXX
73610		A	X-ray exam of ankle	0.17	0.59	NA	0.03	0.79	NA	XXX
73610	26	A	X-ray exam of ankle	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73610	TC	A	X-ray exam of ankle	0.00	0.53	NA	0.02	0.55	NA	XXX
73615		A	Contrast x-ray of ankle	0.54	2.29	NA	0.16	2.99	NA	XXX
73615	26	A	Contrast x-ray of ankle	0.54	0.19	0.19	0.04	0.77	0.77	XXX
73615	TC	A	Contrast x-ray of ankle	0.00	2.10	NA	0.12	2.22	NA	XXX
73620		A	X-ray exam of foot	0.16	0.54	NA	0.03	0.73	NA	XXX
73620	26	A	X-ray exam of foot	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73620	TC	A	X-ray exam of foot	0.00	0.49	NA	0.02	0.51	NA	XXX
73630		A	X-ray exam of foot	0.17	0.59	NA	0.03	0.79	NA	XXX
73630	26	A	X-ray exam of foot	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73630	TC	A	X-ray exam of foot	0.00	0.53	NA	0.02	0.55	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
73650		A	X-ray exam of heel	0.16	0.52	NA	0.03	0.71	NA	XXX
73650	26	A	X-ray exam of heel	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73650	TC	A	X-ray exam of heel	0.00	0.47	NA	0.02	0.49	NA	XXX
73660		A	X-ray exam of toe(s)	0.13	0.45	NA	0.03	0.61	NA	XXX
73660	26	A	X-ray exam of toe(s)	0.13	0.04	0.04	0.01	0.18	0.18	XXX
73660	TC	A	X-ray exam of toe(s)	0.00	0.41	NA	0.02	0.43	NA	XXX
73700		A	Ct lower extremity w/o dye	1.09	5.33	NA	0.31	6.73	NA	XXX
73700	26	A	Ct lower extremity w/o dye	1.09	0.36	0.36	0.06	1.51	1.51	XXX
73700	TC	A	Ct lower extremity w/o dye	0.00	4.97	NA	0.25	5.22	NA	XXX
73701		A	Ct lower extremity w/dye	1.16	6.31	NA	0.37	7.84	NA	XXX
73701	26	A	Ct lower extremity w/dye	1.16	0.38	0.38	0.06	1.60	1.60	XXX
73701	TC	A	Ct lower extremity w/dye	0.00	5.93	NA	0.31	6.24	NA	XXX
73702		A	Ct lwr extremity w/o&w/dye	1.22	7.85	NA	0.45	9.52	NA	XXX
73702	26	A	Ct lwr extremity w/o&w/dye	1.22	0.40	0.40	0.06	1.68	1.68	XXX
73702	TC	A	Ct lwr extremity w/o&w/dye	0.00	7.45	NA	0.39	7.84	NA	XXX
73706		A	Ct angio lwr extr w/o&w/dye	1.90	11.62	NA	0.46	13.98	NA	XXX
73706	26	A	Ct angio lwr extr w/o&w/dye	1.90	0.62	0.62	0.07	2.59	2.59	XXX
73706	TC	A	Ct angio lwr extr w/o&w/dye	0.00	11.00	NA	0.39	11.39	NA	XXX
73718		A	Mri lower extremity w/o dye	1.35	11.68	NA	0.44	13.47	NA	XXX
73718	26	A	Mri lower extremity w/o dye	1.35	0.44	0.44	0.05	1.84	1.84	XXX
73718	TC	A	Mri lower extremity w/o dye	0.00	11.24	NA	0.39	11.63	NA	XXX
73719		A	Mri lower extremity w/dye	1.62	14.02	NA	0.53	16.17	NA	XXX
73719	26	A	Mri lower extremity w/dye	1.62	0.53	0.53	0.06	2.21	2.21	XXX
73719	TC	A	Mri lower extremity w/dye	0.00	13.49	NA	0.47	13.96	NA	XXX
73720		A	Mri lwr extremity w/o&w/dye	2.15	25.69	NA	0.94	28.78	NA	XXX
73720	26	A	Mri lwr extremity w/o&w/dye	2.15	0.71	0.71	0.10	2.96	2.96	XXX
73720	TC	A	Mri lwr extremity w/o&w/dye	0.00	24.98	NA	0.84	25.82	NA	XXX
73721		A	Mri jnt of lwr extre w/o dye	1.35	11.68	NA	0.44	13.47	NA	XXX
73721	26	A	Mri jnt of lwr extre w/o dye	1.35	0.44	0.44	0.05	1.84	1.84	XXX
73721	TC	A	Mri jnt of lwr extre w/o dye	0.00	11.24	NA	0.39	11.63	NA	XXX
73722		A	Mri joint of lwr extr w/dye	1.62	14.02	NA	0.54	16.18	NA	XXX
73722	26	A	Mri joint of lwr extr w/dye	1.62	0.53	0.53	0.07	2.22	2.22	XXX
73722	TC	A	Mri joint of lwr extr w/dye	0.00	13.49	NA	0.47	13.96	NA	XXX
73723		A	Mri joint lwr extr w/o&w/dye	2.15	25.69	NA	0.92	28.76	NA	XXX
73723	26	A	Mri joint lwr extr w/o&w/dye	2.15	0.71	0.71	0.08	2.94	2.94	XXX
73723	TC	A	Mri joint lwr extr w/o&w/dye	0.00	24.98	NA	0.84	25.82	NA	XXX
73725		R	Mr ang lwr ext w or w/o dye	1.82	11.84	NA	0.69	14.35	NA	XXX
73725	26	R	Mr ang lwr ext w or w/o dye	1.82	0.60	0.60	0.10	2.52	2.52	XXX
73725	TC	R	Mr ang lwr ext w or w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
74000		A	X-ray exam of abdomen	0.18	0.58	NA	0.03	0.79	NA	XXX
74000	26	A	X-ray exam of abdomen	0.18	0.06	0.06	0.01	0.25	0.25	XXX
74000	TC	A	X-ray exam of abdomen	0.00	0.52	NA	0.02	0.54	NA	XXX
74010		A	X-ray exam of abdomen	0.23	0.65	NA	0.05	0.93	NA	XXX
74010	26	A	X-ray exam of abdomen	0.23	0.08	0.08	0.01	0.32	0.32	XXX
74010	TC	A	X-ray exam of abdomen	0.00	0.57	NA	0.04	0.61	NA	XXX
74020		A	X-ray exam of abdomen	0.27	0.71	NA	0.05	1.03	NA	XXX
74020	26	A	X-ray exam of abdomen	0.27	0.09	0.09	0.01	0.37	0.37	XXX
74020	TC	A	X-ray exam of abdomen	0.00	0.62	NA	0.04	0.66	NA	XXX
74022		A	X-ray exam series, abdomen	0.32	0.85	NA	0.06	1.23	NA	XXX
74022	26	A	X-ray exam series, abdomen	0.32	0.11	0.11	0.01	0.44	0.44	XXX
74022	TC	A	X-ray exam series, abdomen	0.00	0.74	NA	0.05	0.79	NA	XXX
74150		A	Ct abdomen w/o dye	1.19	6.06	NA	0.36	7.61	NA	XXX
74150	26	A	Ct abdomen w/o dye	1.19	0.39	0.39	0.06	1.64	1.64	XXX
74150	TC	A	Ct abdomen w/o dye	0.00	5.67	NA	0.30	5.97	NA	XXX
74160		A	Ct abdomen w/dye	1.27	7.28	NA	0.43	8.98	NA	XXX
74160	26	A	Ct abdomen w/dye	1.27	0.41	0.41	0.07	1.75	1.75	XXX
74160	TC	A	Ct abdomen w/dye	0.00	6.87	NA	0.36	7.23	NA	XXX
74170		A	Ct abdomen w/o &w /dye	1.40	8.97	NA	0.50	10.87	NA	XXX
74170	26	A	Ct abdomen w/o &w /dye	1.40	0.45	0.45	0.07	1.92	1.92	XXX
74170	TC	A	Ct abdomen w/o &w /dye	0.00	8.52	NA	0.43	8.95	NA	XXX
74175		A	Ct angio abdom w/o & w/dye	1.90	12.69	NA	0.46	15.05	NA	XXX
74175	26	A	Ct angio abdom w/o & w/dye	1.90	0.62	0.62	0.07	2.59	2.59	XXX
74175	TC	A	Ct angio abdom w/o & w/dye	0.00	12.07	NA	0.39	12.46	NA	XXX
74181		A	Mri abdomen w/o dye	1.46	11.72	NA	0.52	13.70	NA	XXX
74181	26	A	Mri abdomen w/o dye	1.46	0.48	0.48	0.07	2.01	2.01	XXX
74181	TC	A	Mri abdomen w/o dye	0.00	11.24	NA	0.45	11.69	NA	XXX
74182		A	Mri abdomen w/dye	1.73	14.05	NA	0.59	16.37	NA	XXX
74182	26	A	Mri abdomen w/dye	1.73	0.56	0.56	0.07	2.36	2.36	XXX
74182	TC	A	Mri abdomen w/dye	0.00	13.49	NA	0.52	14.01	NA	XXX
74183		A	Mri abdomen w/o & w/dye	2.26	25.72	NA	1.02	29.00	NA	XXX
74183	26	A	Mri abdomen w/o & w/dye	2.26	0.74	0.74	0.10	3.10	3.10	XXX
74183	TC	A	Mri abdomen w/o & w/dye	0.00	24.98	NA	0.92	25.90	NA	XXX
74185		R	Mri angio, abdom w orw/o dye	1.80	11.83	NA	0.69	14.32	NA	XXX
74185	26	R	Mri angio, abdom w orw/o dye	1.80	0.59	0.59	0.10	2.49	2.49	XXX
74185	TC	R	Mri angio, abdom w orw/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
74190		A	X-ray exam of peritoneum	0.48	1.47	NA	0.09	2.04	NA	XXX
74190	26	A	X-ray exam of peritoneum	0.48	0.16	0.16	0.02	0.66	0.66	XXX
74190	TC	A	X-ray exam of peritoneum	0.00	1.31	NA	0.07	1.38	NA	XXX
74210		A	Contrst x-ray exam of throat	0.36	1.31	NA	0.08	1.75	NA	XXX
74210	26	A	Contrst x-ray exam of throat	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74210	TC	A	Contrst x-ray exam of throat	0.00	1.19	NA	0.06	1.25	NA	XXX
74220		A	Contrast x-ray, esophagus	0.46	1.34	NA	0.08	1.88	NA	XXX
74220	26	A	Contrast x-ray, esophagus	0.46	0.15	0.15	0.02	0.63	0.63	XXX
74220	TC	A	Contrast x-ray, esophagus	0.00	1.19	NA	0.06	1.25	NA	XXX
74230		A	Cine/vid x-ray, throat/esoph	0.53	1.49	NA	0.09	2.11	NA	XXX
74230	26	A	Cine/vid x-ray, throat/esoph	0.53	0.18	0.18	0.02	0.73	0.73	XXX
74230	TC	A	Cine/vid x-ray, throat/esoph	0.00	1.31	NA	0.07	1.38	NA	XXX
74235		A	Remove esophagus obstruction	1.19	3.01	NA	0.20	4.40	NA	XXX
74235	26	A	Remove esophagus obstruction	1.19	0.39	0.39	0.06	1.64	1.64	XXX
74235	TC	A	Remove esophagus obstruction	0.00	2.62	NA	0.14	2.76	NA	XXX
74240		A	X-ray exam, upper gi tract	0.69	1.69	NA	0.12	2.50	NA	XXX
74240	26	A	X-ray exam, upper gi tract	0.69	0.23	0.23	0.04	0.96	0.96	XXX
74240	TC	A	X-ray exam, upper gi tract	0.00	1.46	NA	0.08	1.54	NA	XXX
74241		A	X-ray exam, upper gi tract	0.69	1.72	NA	0.12	2.53	NA	XXX
74241	26	A	X-ray exam, upper gi tract	0.69	0.23	0.23	0.04	0.96	0.96	XXX
74241	TC	A	X-ray exam, upper gi tract	0.00	1.49	NA	0.08	1.57	NA	XXX
74245		A	X-ray exam, upper gi tract	0.91	2.69	NA	0.18	3.78	NA	XXX
74245	26	A	X-ray exam, upper gi tract	0.91	0.30	0.30	0.05	1.26	1.26	XXX
74245	TC	A	X-ray exam, upper gi tract	0.00	2.39	NA	0.13	2.52	NA	XXX
74246		A	Contrst x-ray uppr gi tract	0.69	1.88	NA	0.14	2.71	NA	XXX
74246	26	A	Contrst x-ray uppr gi tract	0.69	0.23	0.23	0.04	0.96	0.96	XXX
74246	TC	A	Contrst x-ray uppr gi tract	0.00	1.65	NA	0.10	1.75	NA	XXX
74247		A	Contrst x-ray uppr gi tract	0.69	1.92	NA	0.15	2.76	NA	XXX
74247	26	A	Contrst x-ray uppr gi tract	0.69	0.23	0.23	0.04	0.96	0.96	XXX
74247	TC	A	Contrst x-ray uppr gi tract	0.00	1.69	NA	0.11	1.80	NA	XXX
74249		A	Contrst x-ray uppr gi tract	0.91	2.89	NA	0.19	3.99	NA	XXX
74249	26	A	Contrst x-ray uppr gi tract	0.91	0.30	0.30	0.05	1.26	1.26	XXX
74249	TC	A	Contrst x-ray uppr gi tract	0.00	2.59	NA	0.14	2.73	NA	XXX
74250		A	X-ray exam of small bowel	0.47	1.47	NA	0.09	2.03	NA	XXX
74250	26	A	X-ray exam of small bowel	0.47	0.16	0.16	0.02	0.65	0.65	XXX
74250	TC	A	X-ray exam of small bowel	0.00	1.31	NA	0.07	1.38	NA	XXX
74251		A	X-ray exam of small bowel	0.69	1.54	NA	0.11	2.34	NA	XXX
74251	26	A	X-ray exam of small bowel	0.69	0.23	0.23	0.04	0.96	0.96	XXX
74251	TC	A	X-ray exam of small bowel	0.00	1.31	NA	0.07	1.38	NA	XXX
74260		A	X-ray exam of small bowel	0.50	1.66	NA	0.10	2.26	NA	XXX
74260	26	A	X-ray exam of small bowel	0.50	0.17	0.17	0.02	0.69	0.69	XXX
74260	TC	A	X-ray exam of small bowel	0.00	1.49	NA	0.08	1.57	NA	XXX
74270		A	Contrast x-ray exam of colon	0.69	1.94	NA	0.15	2.78	NA	XXX
74270	26	A	Contrast x-ray exam of colon	0.69	0.23	0.23	0.04	0.96	0.96	XXX
74270	TC	A	Contrast x-ray exam of colon	0.00	1.71	NA	0.11	1.82	NA	XXX
74280		A	Contrast x-ray exam of colon	0.99	2.57	NA	0.18	3.74	NA	XXX
74280	26	A	Contrast x-ray exam of colon	0.99	0.33	0.33	0.05	1.37	1.37	XXX
74280	TC	A	Contrast x-ray exam of colon	0.00	2.24	NA	0.13	2.37	NA	XXX
74283		A	Contrast x-ray exam of colon	2.02	3.24	NA	0.25	5.51	NA	XXX
74283	26	A	Contrast x-ray exam of colon	2.02	0.66	0.66	0.11	2.79	2.79	XXX
74283	TC	A	Contrast x-ray exam of colon	0.00	2.58	NA	0.14	2.72	NA	XXX
74290		A	Contrast x-ray, gallbladder	0.32	0.85	NA	0.06	1.23	NA	XXX
74290	26	A	Contrast x-ray, gallbladder	0.32	0.11	0.11	0.01	0.44	0.44	XXX
74290	TC	A	Contrast x-ray, gallbladder	0.00	0.74	NA	0.05	0.79	NA	XXX
74291		A	Contrast x-rays, gallbladder	0.20	0.48	NA	0.03	0.71	NA	XXX
74291	26	A	Contrast x-rays, gallbladder	0.20	0.07	0.07	0.01	0.28	0.28	XXX
74291	TC	A	Contrast x-rays, gallbladder	0.00	0.41	NA	0.02	0.43	NA	XXX
74300		C	X-ray bile ducts/pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
74300	26	A	X-ray bile ducts/pancreas	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74300	TC	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
74301		C	X-rays at surgery add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
74301	26	A	X-rays at surgery add-on	0.21	0.07	0.07	0.01	0.29	0.29	ZZZ
74301	TC	C	X-rays at surgery add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
74305		A	X-ray bile ducts/pancreas	0.42	0.93	NA	0.07	1.42	NA	XXX
74305	26	A	X-ray bile ducts/pancreas	0.42	0.14	0.14	0.02	0.58	0.58	XXX
74305	TC	A	X-ray bile ducts/pancreas	0.00	0.79	NA	0.05	0.84	NA	XXX
74320		A	Contrast x-ray of bile ducts	0.54	3.35	NA	0.19	4.08	NA	XXX
74320	26	A	Contrast x-ray of bile ducts	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74320	TC	A	Contrast x-ray of bile ducts	0.00	3.17	NA	0.17	3.34	NA	XXX
74327		A	X-ray bile stone removal	0.70	2.00	NA	0.15	2.85	NA	XXX
74327	26	A	X-ray bile stone removal	0.70	0.23	0.23	0.04	0.97	0.97	XXX
74327	TC	A	X-ray bile stone removal	0.00	1.77	NA	0.11	1.88	NA	XXX
74328		A	X-ray bile duct endoscopy	0.70	3.40	NA	0.21	4.31	NA	XXX
74328	26	A	X-ray bile duct endoscopy	0.70	0.23	0.23	0.04	0.97	0.97	XXX
74328	TC	A	X-ray bile duct endoscopy	0.00	3.17	NA	0.17	3.34	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
74329		A	X-ray for pancreas endoscopy	0.70	3.40	NA	0.21	4.31	NA	XXX
74329	26	A	X-ray for pancreas endoscopy	0.70	0.23	0.23	0.04	0.97	0.97	XXX
74329	TC	A	X-ray for pancreas endoscopy	0.00	3.17	NA	0.17	3.34	NA	XXX
74330		A	X-ray bile/panc endoscopy	0.90	3.47	NA	0.22	4.59	NA	XXX
74330	26	A	X-ray bile/panc endoscopy	0.90	0.30	0.30	0.05	1.25	1.25	XXX
74330	TC	A	X-ray bile/panc endoscopy	0.00	3.17	NA	0.17	3.34	NA	XXX
74340		A	X-ray guide for GI tube	0.54	2.80	NA	0.16	3.50	NA	XXX
74340	26	A	X-ray guide for GI tube	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74340	TC	A	X-ray guide for GI tube	0.00	2.62	NA	0.14	2.76	NA	XXX
74350		A	X-ray guide, stomach tube	0.76	3.42	NA	0.21	4.39	NA	XXX
74350	26	A	X-ray guide, stomach tube	0.76	0.25	0.25	0.04	1.05	1.05	XXX
74350	TC	A	X-ray guide, stomach tube	0.00	3.17	NA	0.17	3.34	NA	XXX
74355		A	X-ray guide, intestinal tube	0.76	2.87	NA	0.18	3.81	NA	XXX
74355	26	A	X-ray guide, intestinal tube	0.76	0.25	0.25	0.04	1.05	1.05	XXX
74355	TC	A	X-ray guide, intestinal tube	0.00	2.62	NA	0.14	2.76	NA	XXX
74360		A	X-ray guide, GI dilation	0.54	3.36	NA	0.19	4.09	NA	XXX
74360	26	A	X-ray guide, GI dilation	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74360	TC	A	X-ray guide, GI dilation	0.00	3.17	NA	0.17	3.34	NA	XXX
74363		A	X-ray, bile duct dilation	0.88	6.41	NA	0.38	7.67	NA	XXX
74363	26	A	X-ray, bile duct dilation	0.88	0.29	0.29	0.05	1.22	1.22	XXX
74363	TC	A	X-ray, bile duct dilation	0.00	6.12	NA	0.33	6.45	NA	XXX
74400		A	Contrst x-ray, urinary tract	0.49	1.85	NA	0.13	2.47	NA	XXX
74400	26	A	Contrst x-ray, urinary tract	0.49	0.16	0.16	0.02	0.67	0.67	XXX
74400	TC	A	Contrst x-ray, urinary tract	0.00	1.69	NA	0.11	1.80	NA	XXX
74410		A	Contrst x-ray, urinary tract	0.49	2.12	NA	0.13	2.74	NA	XXX
74410	26	A	Contrst x-ray, urinary tract	0.49	0.16	0.16	0.02	0.67	0.67	XXX
74410	TC	A	Contrst x-ray, urinary tract	0.00	1.96	NA	0.11	2.07	NA	XXX
74415		A	Contrst x-ray, urinary tract	0.49	2.28	NA	0.14	2.91	NA	XXX
74415	26	A	Contrst x-ray, urinary tract	0.49	0.16	0.16	0.02	0.67	0.67	XXX
74415	TC	A	Contrst x-ray, urinary tract	0.00	2.12	NA	0.12	2.24	NA	XXX
74420		A	Contrst x-ray, urinary tract	0.36	2.74	NA	0.16	3.26	NA	XXX
74420	26	A	Contrst x-ray, urinary tract	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74420	TC	A	Contrst x-ray, urinary tract	0.00	2.62	NA	0.14	2.76	NA	XXX
74425		A	Contrst x-ray, urinary tract	0.36	1.43	NA	0.09	1.88	NA	XXX
74425	26	A	Contrst x-ray, urinary tract	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74425	TC	A	Contrst x-ray, urinary tract	0.00	1.31	NA	0.07	1.38	NA	XXX
74430		A	Contrast x-ray, bladder	0.32	1.17	NA	0.08	1.57	NA	XXX
74430	26	A	Contrast x-ray, bladder	0.32	0.11	0.11	0.02	0.45	0.45	XXX
74430	TC	A	Contrast x-ray, bladder	0.00	1.06	NA	0.06	1.12	NA	XXX
74440		A	X-ray, male genital tract	0.38	1.25	NA	0.08	1.71	NA	XXX
74440	26	A	X-ray, male genital tract	0.38	0.12	0.12	0.02	0.52	0.52	XXX
74440	TC	A	X-ray, male genital tract	0.00	1.13	NA	0.06	1.19	NA	XXX
74445		A	X-ray exam of penis	1.14	1.50	NA	0.12	2.76	NA	XXX
74445	26	A	X-ray exam of penis	1.14	0.37	0.37	0.06	1.57	1.57	XXX
74445	TC	A	X-ray exam of penis	0.00	1.13	NA	0.06	1.19	NA	XXX
74450		A	X-ray, urethra/bladder	0.33	1.57	NA	0.10	2.00	NA	XXX
74450	26	A	X-ray, urethra/bladder	0.33	0.11	0.11	0.02	0.46	0.46	XXX
74450	TC	A	X-ray, urethra/bladder	0.00	1.46	NA	0.08	1.54	NA	XXX
74455		A	X-ray, urethra/bladder	0.33	1.69	NA	0.12	2.14	NA	XXX
74455	26	A	X-ray, urethra/bladder	0.33	0.11	0.11	0.02	0.46	0.46	XXX
74455	TC	A	X-ray, urethra/bladder	0.00	1.58	NA	0.10	1.68	NA	XXX
74470		A	X-ray exam of kidney lesion	0.54	1.43	NA	0.09	2.06	NA	XXX
74470	26	A	X-ray exam of kidney lesion	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74470	TC	A	X-ray exam of kidney lesion	0.00	1.25	NA	0.07	1.32	NA	XXX
74475		A	X-ray control, cath insert	0.54	4.27	NA	0.24	5.05	NA	XXX
74475	26	A	X-ray control, cath insert	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74475	TC	A	X-ray control, cath insert	0.00	4.09	NA	0.22	4.31	NA	XXX
74480		A	X-ray control, cath insert	0.54	4.27	NA	0.24	5.05	NA	XXX
74480	26	A	X-ray control, cath insert	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74480	TC	A	X-ray control, cath insert	0.00	4.09	NA	0.22	4.31	NA	XXX
74485		A	X-ray guide, GU dilation	0.54	3.35	NA	0.21	4.10	NA	XXX
74485	26	A	X-ray guide, GU dilation	0.54	0.18	0.18	0.04	0.76	0.76	XXX
74485	TC	A	X-ray guide, GU dilation	0.00	3.17	NA	0.17	3.34	NA	XXX
74710		A	X-ray measurement of pelvis	0.34	1.17	NA	0.08	1.59	NA	XXX
74710	26	A	X-ray measurement of pelvis	0.34	0.11	0.11	0.02	0.47	0.47	XXX
74710	TC	A	X-ray measurement of pelvis	0.00	1.06	NA	0.06	1.12	NA	XXX
74740		A	X-ray, female genital tract	0.38	1.44	NA	0.09	1.91	NA	XXX
74740	26	A	X-ray, female genital tract	0.38	0.13	0.13	0.02	0.53	0.53	XXX
74740	TC	A	X-ray, female genital tract	0.00	1.31	NA	0.07	1.38	NA	XXX
74742		A	X-ray, fallopian tube	0.61	3.37	NA	0.19	4.17	NA	XXX
74742	26	A	X-ray, fallopian tube	0.61	0.20	0.20	0.02	0.83	0.83	XXX
74742	TC	A	X-ray, fallopian tube	0.00	3.17	NA	0.17	3.34	NA	XXX
74775		A	X-ray exam of perineum	0.62	1.67	NA	0.12	2.41	NA	XXX
74775	26	A	X-ray exam of perineum	0.62	0.21	0.21	0.04	0.87	0.87	XXX
74775	TC	A	X-ray exam of perineum	0.00	1.46	NA	0.08	1.54	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
75552		A	Heart mri for morph w/o dye	1.60	11.77	NA	0.67	14.04	NA	XXX
75552	26	A	Heart mri for morph w/o dye	1.60	0.53	0.53	0.08	2.21	2.21	XXX
75552	TC	A	Heart mri for morph w/o dye	0.00	11.24	NA	0.59	11.83	NA	XXX
75553		A	Heart mri for morph w/dye	2.00	11.89	NA	0.70	14.59	NA	XXX
75553	26	A	Heart mri for morph w/dye	2.00	0.65	0.65	0.11	2.76	2.76	XXX
75553	TC	A	Heart mri for morph w/dye	0.00	11.24	NA	0.59	11.83	NA	XXX
75554		A	Cardiac MRI/function	1.83	11.88	NA	0.67	14.38	NA	XXX
75554	26	A	Cardiac MRI/function	1.83	0.64	0.64	0.08	2.55	2.55	XXX
75554	TC	A	Cardiac MRI/function	0.00	11.24	NA	0.59	11.83	NA	XXX
75555		A	Cardiac MRI/limited study	1.74	11.88	NA	0.67	14.29	NA	XXX
75555	26	A	Cardiac MRI/limited study	1.74	0.64	0.64	0.08	2.46	2.46	XXX
75555	TC	A	Cardiac MRI/limited study	0.00	11.24	NA	0.59	11.83	NA	XXX
75556		N	Cardiac MRI/flow mapping	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75600		A	Contrast x-ray exam of aorta	0.49	12.83	NA	0.67	13.99	NA	XXX
75600	26	A	Contrast x-ray exam of aorta	0.49	0.19	0.19	0.02	0.70	0.70	XXX
75600	TC	A	Contrast x-ray exam of aorta	0.00	12.64	NA	0.65	13.29	NA	XXX
75605		A	Contrast x-ray exam of aorta	1.14	13.03	NA	0.71	14.88	NA	XXX
75605	26	A	Contrast x-ray exam of aorta	1.14	0.39	0.39	0.06	1.59	1.59	XXX
75605	TC	A	Contrast x-ray exam of aorta	0.00	12.64	NA	0.65	13.29	NA	XXX
75625		A	Contrast x-ray exam of aorta	1.14	13.02	NA	0.71	14.87	NA	XXX
75625	26	A	Contrast x-ray exam of aorta	1.14	0.38	0.38	0.06	1.58	1.58	XXX
75625	TC	A	Contrast x-ray exam of aorta	0.00	12.64	NA	0.65	13.29	NA	XXX
75630		A	X-ray aorta, leg arteries	1.79	13.78	NA	0.79	16.36	NA	XXX
75630	26	A	X-ray aorta, leg arteries	1.79	0.61	0.61	0.10	2.50	2.50	XXX
75630	TC	A	X-ray aorta, leg arteries	0.00	13.17	NA	0.69	13.86	NA	XXX
75635		A	Ct angio abdominal arteries	2.40	16.77	NA	0.50	19.67	NA	XXX
75635	26	A	Ct angio abdominal arteries	2.40	0.80	0.80	0.11	3.31	3.31	XXX
75635	TC	A	Ct angio abdominal arteries	0.00	15.97	NA	0.39	16.36	NA	XXX
75650		A	Artery x-rays, head & neck	1.49	13.13	NA	0.73	15.35	NA	XXX
75650	26	A	Artery x-rays, head & neck	1.49	0.49	0.49	0.08	2.06	2.06	XXX
75650	TC	A	Artery x-rays, head & neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75658		A	Artery x-rays, arm	1.31	13.11	NA	0.72	15.14	NA	XXX
75658	26	A	Artery x-rays, arm	1.31	0.47	0.47	0.07	1.85	1.85	XXX
75658	TC	A	Artery x-rays, arm	0.00	12.64	NA	0.65	13.29	NA	XXX
75660		A	Artery x-rays, head & neck	1.31	13.08	NA	0.72	15.11	NA	XXX
75660	26	A	Artery x-rays, head & neck	1.31	0.44	0.44	0.07	1.82	1.82	XXX
75660	TC	A	Artery x-rays, head & neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75662		A	Artery x-rays, head & neck	1.66	13.23	NA	0.75	15.64	NA	XXX
75662	26	A	Artery x-rays, head & neck	1.66	0.59	0.59	0.10	2.35	2.35	XXX
75662	TC	A	Artery x-rays, head & neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75665		A	Artery x-rays, head & neck	1.31	13.07	NA	0.73	15.11	NA	XXX
75665	26	A	Artery x-rays, head & neck	1.31	0.43	0.43	0.08	1.82	1.82	XXX
75665	TC	A	Artery x-rays, head & neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75671		A	Artery x-rays, head & neck	1.66	13.19	NA	0.75	15.60	NA	XXX
75671	26	A	Artery x-rays, head & neck	1.66	0.55	0.55	0.10	2.31	2.31	XXX
75671	TC	A	Artery x-rays, head & neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75676		A	Artery x-rays, neck	1.31	13.08	NA	0.73	15.12	NA	XXX
75676	26	A	Artery x-rays, neck	1.31	0.44	0.44	0.08	1.83	1.83	XXX
75676	TC	A	Artery x-rays, neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75680		A	Artery x-rays, neck	1.66	13.19	NA	0.75	15.60	NA	XXX
75680	26	A	Artery x-rays, neck	1.66	0.55	0.55	0.10	2.31	2.31	XXX
75680	TC	A	Artery x-rays, neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75685		A	Artery x-rays, spine	1.31	13.07	NA	0.72	15.10	NA	XXX
75685	26	A	Artery x-rays, spine	1.31	0.43	0.43	0.07	1.81	1.81	XXX
75685	TC	A	Artery x-rays, spine	0.00	12.64	NA	0.65	13.29	NA	XXX
75705		A	Artery x-rays, spine	2.18	13.37	NA	0.78	16.33	NA	XXX
75705	26	A	Artery x-rays, spine	2.18	0.73	0.73	0.13	3.04	3.04	XXX
75705	TC	A	Artery x-rays, spine	0.00	12.64	NA	0.65	13.29	NA	XXX
75710		A	Artery x-rays, arm/leg	1.14	13.02	NA	0.72	14.88	NA	XXX
75710	26	A	Artery x-rays, arm/leg	1.14	0.38	0.38	0.07	1.59	1.59	XXX
75710	TC	A	Artery x-rays, arm/leg	0.00	12.64	NA	0.65	13.29	NA	XXX
75716		A	Artery x-rays, arms/legs	1.31	13.07	NA	0.72	15.10	NA	XXX
75716	26	A	Artery x-rays, arms/legs	1.31	0.43	0.43	0.07	1.81	1.81	XXX
75716	TC	A	Artery x-rays, arms/legs	0.00	12.64	NA	0.65	13.29	NA	XXX
75722		A	Artery x-rays, kidney	1.14	13.04	NA	0.71	14.89	NA	XXX
75722	26	A	Artery x-rays, kidney	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75722	TC	A	Artery x-rays, kidney	0.00	12.64	NA	0.65	13.29	NA	XXX
75724		A	Artery x-rays, kidneys	1.49	13.20	NA	0.71	15.40	NA	XXX
75724	26	A	Artery x-rays, kidneys	1.49	0.56	0.56	0.06	2.11	2.11	XXX
75724	TC	A	Artery x-rays, kidneys	0.00	12.64	NA	0.65	13.29	NA	XXX
75726		A	Artery x-rays, abdomen	1.14	13.01	NA	0.71	14.86	NA	XXX
75726	26	A	Artery x-rays, abdomen	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75726	TC	A	Artery x-rays, abdomen	0.00	12.64	NA	0.65	13.29	NA	XXX
75731		A	Artery x-rays, adrenal gland	1.14	13.01	NA	0.71	14.86	NA	XXX
75731	26	A	Artery x-rays, adrenal gland	1.14	0.37	0.37	0.06	1.57	1.57	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
75731	TC	A	Artery x-rays, adrenal gland	0.00	12.64	NA	0.65	13.29	NA	XXX
75733		A	Artery x-rays, adrenals	1.31	13.07	NA	0.72	15.10	NA	XXX
75733	26	A	Artery x-rays, adrenals	1.31	0.43	0.43	0.07	1.81	1.81	XXX
75733	TC	A	Artery x-rays, adrenals	0.00	12.64	NA	0.65	13.29	NA	XXX
75736		A	Artery x-rays, pelvis	1.14	13.01	NA	0.71	14.86	NA	XXX
75736	26	A	Artery x-rays, pelvis	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75736	TC	A	Artery x-rays, pelvis	0.00	12.64	NA	0.65	13.29	NA	XXX
75741		A	Artery x-rays, lung	1.31	13.07	NA	0.72	15.10	NA	XXX
75741	26	A	Artery x-rays, lung	1.31	0.43	0.43	0.07	1.81	1.81	XXX
75741	TC	A	Artery x-rays, lung	0.00	12.64	NA	0.65	13.29	NA	XXX
75743		A	Artery x-rays, lungs	1.66	13.18	NA	0.73	15.57	NA	XXX
75743	26	A	Artery x-rays, lungs	1.66	0.54	0.54	0.08	2.28	2.28	XXX
75743	TC	A	Artery x-rays, lungs	0.00	12.64	NA	0.65	13.29	NA	XXX
75746		A	Artery x-rays, lung	1.14	13.01	NA	0.71	14.86	NA	XXX
75746	26	A	Artery x-rays, lung	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75746	TC	A	Artery x-rays, lung	0.00	12.64	NA	0.65	13.29	NA	XXX
75756		A	Artery x-rays, chest	1.14	13.08	NA	0.70	14.92	NA	XXX
75756	26	A	Artery x-rays, chest	1.14	0.44	0.44	0.05	1.63	1.63	XXX
75756	TC	A	Artery x-rays, chest	0.00	12.64	NA	0.65	13.29	NA	XXX
75774		A	Artery x-ray, each vessel	0.36	12.77	NA	0.67	13.80	NA	ZZZ
75774	26	A	Artery x-ray, each vessel	0.36	0.13	0.13	0.02	0.51	0.51	ZZZ
75774	TC	A	Artery x-ray, each vessel	0.00	12.64	NA	0.65	13.29	NA	ZZZ
75790		A	Visualize A-V shunt	1.84	1.96	NA	0.19	3.99	NA	XXX
75790	26	A	Visualize A-V shunt	1.84	0.60	0.60	0.11	2.55	2.55	XXX
75790	TC	A	Visualize A-V shunt	0.00	1.36	NA	0.08	1.44	NA	XXX
75801		A	Lymph vessel x-ray, arm/leg	0.81	5.71	NA	0.35	6.87	NA	XXX
75801	26	A	Lymph vessel x-ray, arm/leg	0.81	0.27	0.27	0.06	1.14	1.14	XXX
75801	TC	A	Lymph vessel x-ray, arm/leg	0.00	5.44	NA	0.29	5.73	NA	XXX
75803		A	Lymph vessel x-ray,arms/legs	1.17	5.82	NA	0.35	7.34	NA	XXX
75803	26	A	Lymph vessel x-ray,arms/legs	1.17	0.38	0.38	0.06	1.61	1.61	XXX
75803	TC	A	Lymph vessel x-ray,arms/legs	0.00	5.44	NA	0.29	5.73	NA	XXX
75805		A	Lymph vessel x-ray, trunk	0.81	6.39	NA	0.38	7.58	NA	XXX
75805	26	A	Lymph vessel x-ray, trunk	0.81	0.27	0.27	0.05	1.13	1.13	XXX
75805	TC	A	Lymph vessel x-ray, trunk	0.00	6.12	NA	0.33	6.45	NA	XXX
75807		A	Lymph vessel x-ray, trunk	1.17	6.50	NA	0.39	8.06	NA	XXX
75807	26	A	Lymph vessel x-ray, trunk	1.17	0.38	0.38	0.06	1.61	1.61	XXX
75807	TC	A	Lymph vessel x-ray, trunk	0.00	6.12	NA	0.33	6.45	NA	XXX
75809		A	Nonvascular shunt, x-ray	0.47	0.95	NA	0.07	1.49	NA	XXX
75809	26	A	Nonvascular shunt, x-ray	0.47	0.16	0.16	0.02	0.65	0.65	XXX
75809	TC	A	Nonvascular shunt, x-ray	0.00	0.79	NA	0.05	0.84	NA	XXX
75810		A	Vein x-ray, spleen/liver	1.14	13.01	NA	0.72	14.87	NA	XXX
75810	26	A	Vein x-ray, spleen/liver	1.14	0.37	0.37	0.07	1.58	1.58	XXX
75810	TC	A	Vein x-ray, spleen/liver	0.00	12.64	NA	0.65	13.29	NA	XXX
75820		A	Vein x-ray, arm/leg	0.70	1.18	NA	0.10	1.98	NA	XXX
75820	26	A	Vein x-ray, arm/leg	0.70	0.23	0.23	0.04	0.97	0.97	XXX
75820	TC	A	Vein x-ray, arm/leg	0.00	0.95	NA	0.06	1.01	NA	XXX
75822		A	Vein x-ray, arms/legs	1.06	1.83	NA	0.14	3.03	NA	XXX
75822	26	A	Vein x-ray, arms/legs	1.06	0.35	0.35	0.06	1.47	1.47	XXX
75822	TC	A	Vein x-ray, arms/legs	0.00	1.48	NA	0.08	1.56	NA	XXX
75825		A	Vein x-ray, trunk	1.14	13.01	NA	0.72	14.87	NA	XXX
75825	26	A	Vein x-ray, trunk	1.14	0.37	0.37	0.07	1.58	1.58	XXX
75825	TC	A	Vein x-ray, trunk	0.00	12.64	NA	0.65	13.29	NA	XXX
75827		A	Vein x-ray, chest	1.14	13.01	NA	0.71	14.86	NA	XXX
75827	26	A	Vein x-ray, chest	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75827	TC	A	Vein x-ray, chest	0.00	12.64	NA	0.65	13.29	NA	XXX
75831		A	Vein x-ray, kidney	1.14	13.01	NA	0.71	14.86	NA	XXX
75831	26	A	Vein x-ray, kidney	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75831	TC	A	Vein x-ray, kidney	0.00	12.64	NA	0.65	13.29	NA	XXX
75833		A	Vein x-ray, kidneys	1.49	13.13	NA	0.73	15.35	NA	XXX
75833	26	A	Vein x-ray, kidneys	1.49	0.49	0.49	0.08	2.06	2.06	XXX
75833	TC	A	Vein x-ray, kidneys	0.00	12.64	NA	0.65	13.29	NA	XXX
75840		A	Vein x-ray, adrenal gland	1.14	13.01	NA	0.73	14.88	NA	XXX
75840	26	A	Vein x-ray, adrenal gland	1.14	0.37	0.37	0.08	1.59	1.59	XXX
75840	TC	A	Vein x-ray, adrenal gland	0.00	12.64	NA	0.65	13.29	NA	XXX
75842		A	Vein x-ray, adrenal glands	1.49	13.12	NA	0.73	15.34	NA	XXX
75842	26	A	Vein x-ray, adrenal glands	1.49	0.48	0.48	0.08	2.05	2.05	XXX
75842	TC	A	Vein x-ray, adrenal glands	0.00	12.64	NA	0.65	13.29	NA	XXX
75860		A	Vein x-ray, neck	1.14	13.03	NA	0.72	14.89	NA	XXX
75860	26	A	Vein x-ray, neck	1.14	0.39	0.39	0.07	1.60	1.60	XXX
75860	TC	A	Vein x-ray, neck	0.00	12.64	NA	0.65	13.29	NA	XXX
75870		A	Vein x-ray, skull	1.14	13.03	NA	0.72	14.89	NA	XXX
75870	26	A	Vein x-ray, skull	1.14	0.39	0.39	0.07	1.60	1.60	XXX
75870	TC	A	Vein x-ray, skull	0.00	12.64	NA	0.65	13.29	NA	XXX
75872		A	Vein x-ray, skull	1.14	13.01	NA	0.71	14.86	NA	XXX
75872	26	A	Vein x-ray, skull	1.14	0.37	0.37	0.06	1.57	1.57	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
75872	TC	A	Vein x-ray, skull	0.00	12.64	NA	0.65	13.29	NA	XXX
75880		A	Vein x-ray, eye socket	0.70	1.18	NA	0.10	1.98	NA	XXX
75880	26	A	Vein x-ray, eye socket	0.70	0.23	0.23	0.04	0.97	0.97	XXX
75880	TC	A	Vein x-ray, eye socket	0.00	0.95	NA	0.06	1.01	NA	XXX
75885		A	Vein x-ray, liver	1.44	13.11	NA	0.72	15.27	NA	XXX
75885	26	A	Vein x-ray, liver	1.44	0.47	0.47	0.07	1.98	1.98	XXX
75885	TC	A	Vein x-ray, liver	0.00	12.64	NA	0.65	13.29	NA	XXX
75887		A	Vein x-ray, liver	1.44	13.11	NA	0.72	15.27	NA	XXX
75887	26	A	Vein x-ray, liver	1.44	0.47	0.47	0.07	1.98	1.98	XXX
75887	TC	A	Vein x-ray, liver	0.00	12.64	NA	0.65	13.29	NA	XXX
75889		A	Vein x-ray, liver	1.14	13.01	NA	0.71	14.86	NA	XXX
75889	26	A	Vein x-ray, liver	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75889	TC	A	Vein x-ray, liver	0.00	12.64	NA	0.65	13.29	NA	XXX
75891		A	Vein x-ray, liver	1.14	13.01	NA	0.71	14.86	NA	XXX
75891	26	A	Vein x-ray, liver	1.14	0.37	0.37	0.06	1.57	1.57	XXX
75891	TC	A	Vein x-ray, liver	0.00	12.64	NA	0.65	13.29	NA	XXX
75893		A	Venous sampling by catheter	0.54	12.82	NA	0.67	14.03	NA	XXX
75893	26	A	Venous sampling by catheter	0.54	0.18	0.18	0.02	0.74	0.74	XXX
75893	TC	A	Venous sampling by catheter	0.00	12.64	NA	0.65	13.29	NA	XXX
75894		A	X-rays, transcath therapy	1.31	24.65	NA	1.35	27.31	NA	XXX
75894	26	A	X-rays, transcath therapy	1.31	0.43	0.43	0.08	1.82	1.82	XXX
75894	TC	A	X-rays, transcath therapy	0.00	24.22	NA	1.27	25.49	NA	XXX
75896		A	X-rays, transcath therapy	1.31	21.51	NA	1.17	23.99	NA	XXX
75896	26	A	X-rays, transcath therapy	1.31	0.45	0.45	0.07	1.83	1.83	XXX
75896	TC	A	X-rays, transcath therapy	0.00	21.06	NA	1.10	22.16	NA	XXX
75898		A	Follow-up angiography	1.65	1.61	NA	0.14	3.40	NA	XXX
75898	26	A	Follow-up angiography	1.65	0.55	0.55	0.08	2.28	2.28	XXX
75898	TC	A	Follow-up angiography	0.00	1.06	NA	0.06	1.12	NA	XXX
75900		A	Arterial catheter exchange	0.49	21.20	NA	1.13	22.82	NA	XXX
75900	26	A	Arterial catheter exchange	0.49	0.16	0.16	0.02	0.67	0.67	XXX
75900	TC	A	Arterial catheter exchange	0.00	21.04	NA	1.11	22.15	NA	XXX
75901		A	Remove cva device obstruct	0.49	1.47	NA	0.85	2.81	NA	XXX
75901	26	A	Remove cva device obstruct	0.49	0.16	0.16	0.02	0.67	0.67	XXX
75901	TC	A	Remove cva device obstruct	0.00	1.31	NA	0.83	2.14	NA	XXX
75902		A	Remove cva lumen obstruct	0.39	1.44	NA	0.85	2.68	NA	XXX
75902	26	A	Remove cva lumen obstruct	0.39	0.13	0.13	0.02	0.54	0.54	XXX
75902	TC	A	Remove cva lumen obstruct	0.00	1.31	NA	0.83	2.14	NA	XXX
75940		A	X-ray placement, vein filter	0.54	12.82	NA	0.69	14.05	NA	XXX
75940	26	A	X-ray placement, vein filter	0.54	0.18	0.18	0.04	0.76	0.76	XXX
75940	TC	A	X-ray placement, vein filter	0.00	12.64	NA	0.65	13.29	NA	XXX
75945		A	Intravascular us	0.40	4.72	NA	0.28	5.40	NA	XXX
75945	26	A	Intravascular us	0.40	0.14	0.14	0.04	0.58	0.58	XXX
75945	TC	A	Intravascular us	0.00	4.58	NA	0.24	4.82	NA	XXX
75946		A	Intravascular us add-on	0.40	2.44	NA	0.17	3.01	NA	ZZZ
75946	26	A	Intravascular us add-on	0.40	0.14	0.14	0.04	0.58	0.58	ZZZ
75946	TC	A	Intravascular us add-on	0.00	2.30	NA	0.13	2.43	NA	ZZZ
75952		C	Endovasc repair abdom aorta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75952	26	A	Endovasc repair abdom aorta	4.49	1.50	1.50	0.82	6.81	6.81	XXX
75952	TC	C	Endovasc repair abdom aorta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75953		C	Abdom aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75953	26	A	Abdom aneurysm endovas rpr	1.36	0.45	0.45	0.82	2.63	2.63	XXX
75953	TC	C	Abdom aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75954		C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75954	26	A	Iliac aneurysm endovas rpr	2.25	0.47	0.47	0.82	3.54	3.54	XXX
75954	TC	C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75960		A	Transcatheter intro, stent	0.82	15.24	NA	0.82	16.88	NA	XXX
75960	26	A	Transcatheter intro, stent	0.82	0.29	0.29	0.05	1.16	1.16	XXX
75960	TC	A	Transcatheter intro, stent	0.00	14.95	NA	0.77	15.72	NA	XXX
75961		A	Retrieval, broken catheter	4.24	11.94	NA	0.77	16.95	NA	XXX
75961	26	A	Retrieval, broken catheter	4.24	1.40	1.40	0.22	5.86	5.86	XXX
75961	TC	A	Retrieval, broken catheter	0.00	10.54	NA	0.55	11.09	NA	XXX
75962		A	Repair arterial blockage	0.54	15.99	NA	0.87	17.40	NA	XXX
75962	26	A	Repair arterial blockage	0.54	0.19	0.19	0.04	0.77	0.77	XXX
75962	TC	A	Repair arterial blockage	0.00	15.80	NA	0.83	16.63	NA	XXX
75964		A	Repair artery blockage, each	0.36	8.54	NA	0.45	9.35	NA	ZZZ
75964	26	A	Repair artery blockage, each	0.36	0.12	0.12	0.02	0.50	0.50	ZZZ
75964	TC	A	Repair artery blockage, each	0.00	8.42	NA	0.43	8.85	NA	ZZZ
75966		A	Repair arterial blockage	1.31	16.26	NA	0.90	18.47	NA	XXX
75966	26	A	Repair arterial blockage	1.31	0.46	0.46	0.07	1.84	1.84	XXX
75966	TC	A	Repair arterial blockage	0.00	15.80	NA	0.83	16.63	NA	XXX
75968		A	Repair artery blockage, each	0.36	8.55	NA	0.44	9.35	NA	ZZZ
75968	26	A	Repair artery blockage, each	0.36	0.13	0.13	0.01	0.50	0.50	ZZZ
75968	TC	A	Repair artery blockage, each	0.00	8.42	NA	0.43	8.85	NA	ZZZ
75970		A	Vascular biopsy	0.83	11.88	NA	0.65	13.36	NA	XXX
75970	26	A	Vascular biopsy	0.83	0.29	0.29	0.05	1.17	1.17	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
75970	TC	A	Vascular biopsy	0.00	11.59	NA	0.60	12.19	NA	XXX
75978		A	Repair venous blockage	0.54	15.98	NA	0.85	17.37	NA	XXX
75978	26	A	Repair venous blockage	0.54	0.18	0.18	0.02	0.74	0.74	XXX
75978	TC	A	Repair venous blockage	0.00	15.80	NA	0.83	16.63	NA	XXX
75980		A	Contrast xray exam bile duct	1.44	5.91	NA	0.36	7.71	NA	XXX
75980	26	A	Contrast xray exam bile duct	1.44	0.47	0.47	0.07	1.98	1.98	XXX
75980	TC	A	Contrast xray exam bile duct	0.00	5.44	NA	0.29	5.73	NA	XXX
75982		A	Contrast xray exam bile duct	1.44	6.58	NA	0.40	8.42	NA	XXX
75982	26	A	Contrast xray exam bile duct	1.44	0.46	0.46	0.07	1.97	1.97	XXX
75982	TC	A	Contrast xray exam bile duct	0.00	6.12	NA	0.33	6.45	NA	XXX
75984		A	Xray control catheter change	0.72	2.20	NA	0.15	3.07	NA	XXX
75984	26	A	Xray control catheter change	0.72	0.24	0.24	0.04	1.00	1.00	XXX
75984	TC	A	Xray control catheter change	0.00	1.96	NA	0.11	2.07	NA	XXX
75989		A	Abscess drainage under x-ray	1.19	3.55	NA	0.23	4.97	NA	XXX
75989	26	A	Abscess drainage under x-ray	1.19	0.38	0.38	0.06	1.63	1.63	XXX
75989	TC	A	Abscess drainage under x-ray	0.00	3.17	NA	0.17	3.34	NA	XXX
75992		A	Atherectomy, x-ray exam	0.54	15.99	NA	0.85	17.38	NA	XXX
75992	26	A	Atherectomy, x-ray exam	0.54	0.19	0.19	0.02	0.75	0.75	XXX
75992	TC	A	Atherectomy, x-ray exam	0.00	15.80	NA	0.83	16.63	NA	XXX
75993		A	Atherectomy, x-ray exam	0.36	8.56	NA	0.44	9.36	NA	ZZZ
75993	26	A	Atherectomy, x-ray exam	0.36	0.14	0.14	0.01	0.51	0.51	ZZZ
75993	TC	A	Atherectomy, x-ray exam	0.00	8.42	NA	0.43	8.85	NA	ZZZ
75994		A	Atherectomy, x-ray exam	1.31	16.26	NA	0.90	18.47	NA	XXX
75994	26	A	Atherectomy, x-ray exam	1.31	0.46	0.46	0.07	1.84	1.84	XXX
75994	TC	A	Atherectomy, x-ray exam	0.00	15.80	NA	0.83	16.63	NA	XXX
75995		A	Atherectomy, x-ray exam	1.31	16.27	NA	0.90	18.48	NA	XXX
75995	26	A	Atherectomy, x-ray exam	1.31	0.47	0.47	0.07	1.85	1.85	XXX
75995	TC	A	Atherectomy, x-ray exam	0.00	15.80	NA	0.83	16.63	NA	XXX
75996		A	Atherectomy, x-ray exam	0.36	8.54	NA	0.44	9.34	NA	ZZZ
75996	26	A	Atherectomy, x-ray exam	0.36	0.12	0.12	0.01	0.49	0.49	ZZZ
75996	TC	A	Atherectomy, x-ray exam	0.00	8.42	NA	0.43	8.85	NA	ZZZ
75998		A	Fluoroguide for vein device	0.38	1.44	NA	0.15	1.97	NA	ZZZ
75998	26	A	Fluoroguide for vein device	0.38	0.13	0.13	0.05	0.56	0.56	ZZZ
75998	TC	A	Fluoroguide for vein device	0.00	1.31	NA	0.10	1.41	NA	ZZZ
76000		A	Fluoroscope examination	0.17	1.36	NA	0.08	1.61	NA	XXX
76000	26	A	Fluoroscope examination	0.17	0.05	0.05	0.01	0.23	0.23	XXX
76000	TC	A	Fluoroscope examination	0.00	1.31	NA	0.07	1.38	NA	XXX
76001		A	Fluoroscope exam, extensive	0.67	2.84	NA	0.18	3.69	NA	XXX
76001	26	A	Fluoroscope exam, extensive	0.67	0.22	0.22	0.04	0.93	0.93	XXX
76001	TC	A	Fluoroscope exam, extensive	0.00	2.62	NA	0.14	2.76	NA	XXX
76003		A	Needle localization by x-ray	0.54	1.48	NA	0.11	2.13	NA	XXX
76003	26	A	Needle localization by x-ray	0.54	0.17	0.17	0.04	0.75	0.75	XXX
76003	TC	A	Needle localization by x-ray	0.00	1.31	NA	0.07	1.38	NA	XXX
76005		A	Fluoroguide for spine inject	0.60	1.47	NA	0.11	2.18	NA	XXX
76005	26	A	Fluoroguide for spine inject	0.60	0.16	0.16	0.04	0.80	0.80	XXX
76005	TC	A	Fluoroguide for spine inject	0.00	1.31	NA	0.07	1.38	NA	XXX
76006		A	X-ray stress view	0.41	0.19	0.19	0.05	0.65	0.65	XXX
76010		A	X-ray, nose to rectum	0.18	0.58	NA	0.03	0.79	NA	XXX
76010	26	A	X-ray, nose to rectum	0.18	0.06	0.06	0.01	0.25	0.25	XXX
76010	TC	A	X-ray, nose to rectum	0.00	0.52	NA	0.02	0.54	NA	XXX
76012		C	Percut vertebroplasty fluor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76012	26	A	Percut vertebroplasty fluor	1.31	0.46	0.46	0.28	2.05	2.05	XXX
76012	TC	C	Percut vertebroplasty fluor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76013		C	Percut vertebroplasty, ct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76013	26	A	Percut vertebroplasty, ct	1.38	0.47	0.47	0.58	2.43	2.43	XXX
76013	TC	C	Percut vertebroplasty, ct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76020		A	X-rays for bone age	0.19	0.58	NA	0.03	0.80	NA	XXX
76020	26	A	X-rays for bone age	0.19	0.06	0.06	0.01	0.26	0.26	XXX
76020	TC	A	X-rays for bone age	0.00	0.52	NA	0.02	0.54	NA	XXX
76040		A	X-rays, bone evaluation	0.27	0.88	NA	0.09	1.24	NA	XXX
76040	26	A	X-rays, bone evaluation	0.27	0.09	0.09	0.04	0.40	0.40	XXX
76040	TC	A	X-rays, bone evaluation	0.00	0.79	NA	0.05	0.84	NA	XXX
76061		A	X-rays, bone survey	0.45	1.15	NA	0.08	1.68	NA	XXX
76061	26	A	X-rays, bone survey	0.45	0.15	0.15	0.02	0.62	0.62	XXX
76061	TC	A	X-rays, bone survey	0.00	1.00	NA	0.06	1.06	NA	XXX
76062		A	X-rays, bone survey	0.54	1.62	NA	0.10	2.26	NA	XXX
76062	26	A	X-rays, bone survey	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76062	TC	A	X-rays, bone survey	0.00	1.44	NA	0.08	1.52	NA	XXX
76065		A	X-rays, bone evaluation	0.70	0.98	NA	0.06	1.74	NA	XXX
76065	26	A	X-rays, bone evaluation	0.70	0.24	0.24	0.01	0.95	0.95	XXX
76065	TC	A	X-rays, bone evaluation	0.00	0.74	NA	0.05	0.79	NA	XXX
76066		A	Joint survey, single view	0.31	1.23	NA	0.08	1.62	NA	XXX
76066	26	A	Joint survey, single view	0.31	0.11	0.11	0.02	0.44	0.44	XXX
76066	TC	A	Joint survey, single view	0.00	1.12	NA	0.06	1.18	NA	XXX
76070		A	Ct bone density, axial	0.25	3.04	NA	0.17	3.46	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
76070	26	A	Ct bone density, axial	0.25	0.08	0.08	0.01	0.34	0.34	XXX
76070	TC	A	Ct bone density, axial	0.00	2.96	NA	0.16	3.12	NA	XXX
76071		A	Ct bone density, peripheral	0.22	3.03	NA	0.06	3.31	NA	XXX
76071	26	A	Ct bone density, peripheral	0.22	0.07	0.07	0.01	0.30	0.30	XXX
76071	TC	A	Ct bone density, peripheral	0.00	2.96	NA	0.05	3.01	NA	XXX
76075		A	Dexa, axial skeleton study	0.30	3.21	NA	0.18	3.69	NA	XXX
76075	26	A	Dexa, axial skeleton study	0.30	0.10	0.10	0.01	0.41	0.41	XXX
76075	TC	A	Dexa, axial skeleton study	0.00	3.11	NA	0.17	3.28	NA	XXX
76076		A	Dexa, peripheral study	0.22	0.84	NA	0.06	1.12	NA	XXX
76076	26	A	Dexa, peripheral study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
76076	TC	A	Dexa, peripheral study	0.00	0.76	NA	0.05	0.81	NA	XXX
76078		A	Radiographic absorptiometry	0.20	0.83	NA	0.06	1.09	NA	XXX
76078	26	A	Radiographic absorptiometry	0.20	0.07	0.07	0.01	0.28	0.28	XXX
76078	TC	A	Radiographic absorptiometry	0.00	0.76	NA	0.05	0.81	NA	XXX
76080		A	X-ray exam of fistula	0.54	1.24	NA	0.08	1.86	NA	XXX
76080	26	A	X-ray exam of fistula	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76080	TC	A	X-ray exam of fistula	0.00	1.06	NA	0.06	1.12	NA	XXX
76082		A	Computer mammogram add-on	0.06	0.43	NA	0.02	0.51	NA	ZZZ
76082	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76082	TC	A	Computer mammogram add-on	0.00	0.41	NA	0.01	0.42	NA	ZZZ
76083		A	Computer mammogram add-on	0.06	0.43	NA	0.02	0.51	NA	ZZZ
76083	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76083	TC	A	Computer mammogram add-on	0.00	0.41	NA	0.01	0.42	NA	ZZZ
76085		F	Computer mammogram add-on	+0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
76085	26	F	Computer mammogram add-on	+0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
76085	TC	F	Computer mammogram add-on	+0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
76086		A	X-ray of mammary duct	0.36	2.74	NA	0.16	3.26	NA	XXX
76086	26	A	X-ray of mammary duct	0.36	0.12	0.12	0.02	0.50	0.50	XXX
76086	TC	A	X-ray of mammary duct	0.00	2.62	NA	0.14	2.76	NA	XXX
76088		A	X-ray of mammary ducts	0.45	3.83	NA	0.21	4.49	NA	XXX
76088	26	A	X-ray of mammary ducts	0.45	0.15	0.15	0.02	0.62	0.62	XXX
76088	TC	A	X-ray of mammary ducts	0.00	3.68	NA	0.19	3.87	NA	XXX
76090		A	Mammogram, one breast	0.70	1.29	NA	0.10	2.09	NA	XXX
76090	26	A	Mammogram, one breast	0.70	0.23	0.23	0.04	0.97	0.97	XXX
76090	TC	A	Mammogram, one breast	0.00	1.06	NA	0.06	1.12	NA	XXX
76091		A	Mammogram, both breasts	0.87	1.60	NA	0.11	2.58	NA	XXX
76091	26	A	Mammogram, both breasts	0.87	0.29	0.29	0.04	1.20	1.20	XXX
76091	TC	A	Mammogram, both breasts	0.00	1.31	NA	0.07	1.38	NA	XXX
76092		A	Mammogram, screening	0.70	1.46	NA	0.11	2.27	NA	XXX
76092	26	A	Mammogram, screening	0.70	0.23	0.23	0.04	0.97	0.97	XXX
76092	TC	A	Mammogram, screening	0.00	1.23	NA	0.07	1.30	NA	XXX
76093		A	Magnetic image, breast	1.63	18.21	NA	1.00	20.84	NA	XXX
76093	26	A	Magnetic image, breast	1.63	0.53	0.53	0.08	2.24	2.24	XXX
76093	TC	A	Magnetic image, breast	0.00	17.68	NA	0.92	18.60	NA	XXX
76094		A	Magnetic image, both breasts	1.63	24.52	NA	1.32	27.47	NA	XXX
76094	26	A	Magnetic image, both breasts	1.63	0.53	0.53	0.08	2.24	2.24	XXX
76094	TC	A	Magnetic image, both breasts	0.00	23.99	NA	1.24	25.23	NA	XXX
76095		A	Stereotactic breast biopsy	1.59	7.71	NA	0.48	9.78	NA	XXX
76095	26	A	Stereotactic breast biopsy	1.59	0.52	0.52	0.11	2.22	2.22	XXX
76095	TC	A	Stereotactic breast biopsy	0.00	7.19	NA	0.37	7.56	NA	XXX
76096		A	X-ray of needle wire, breast	0.56	1.50	NA	0.11	2.17	NA	XXX
76096	26	A	X-ray of needle wire, breast	0.56	0.19	0.19	0.04	0.79	0.79	XXX
76096	TC	A	X-ray of needle wire, breast	0.00	1.31	NA	0.07	1.38	NA	XXX
76098		A	X-ray exam, breast specimen	0.16	0.46	NA	0.03	0.65	NA	XXX
76098	26	A	X-ray exam, breast specimen	0.16	0.05	0.05	0.01	0.22	0.22	XXX
76098	TC	A	X-ray exam, breast specimen	0.00	0.41	NA	0.02	0.43	NA	XXX
76100		A	X-ray exam of body section	0.58	1.44	NA	0.11	2.13	NA	XXX
76100	26	A	X-ray exam of body section	0.58	0.19	0.19	0.04	0.81	0.81	XXX
76100	TC	A	X-ray exam of body section	0.00	1.25	NA	0.07	1.32	NA	XXX
76101		A	Complex body section x-ray	0.58	1.62	NA	0.12	2.32	NA	XXX
76101	26	A	Complex body section x-ray	0.58	0.19	0.19	0.04	0.81	0.81	XXX
76101	TC	A	Complex body section x-ray	0.00	1.43	NA	0.08	1.51	NA	XXX
76102		A	Complex body section x-rays	0.58	1.94	NA	0.15	2.67	NA	XXX
76102	26	A	Complex body section x-rays	0.58	0.20	0.20	0.04	0.82	0.82	XXX
76102	TC	A	Complex body section x-rays	0.00	1.74	NA	0.11	1.85	NA	XXX
76120		A	Cine/video x-rays	0.38	1.19	NA	0.08	1.65	NA	XXX
76120	26	A	Cine/video x-rays	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76120	TC	A	Cine/video x-rays	0.00	1.06	NA	0.06	1.12	NA	XXX
76125		A	Cine/video x-rays add-on	0.27	0.88	NA	0.06	1.21	NA	ZZZ
76125	26	A	Cine/video x-rays add-on	0.27	0.09	0.09	0.01	0.37	0.37	ZZZ
76125	TC	A	Cine/video x-rays add-on	0.00	0.79	NA	0.05	0.84	NA	ZZZ
76140		I	X-ray consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76150		A	X-ray exam, dry process	0.00	0.41	NA	0.02	0.43	NA	XXX
76350		C	Special x-ray contrast study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76355		A	Ct scan for localization	1.21	8.69	NA	0.49	10.39	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
76355	26	A	Ct scan for localization	1.21	0.40	0.40	0.07	1.68	1.68	XXX
76355	TC	A	Ct scan for localization	0.00	8.29	NA	0.42	8.71	NA	XXX
76360		A	Ct scan for needle biopsy	1.16	8.66	NA	0.48	10.30	NA	XXX
76360	26	A	Ct scan for needle biopsy	1.16	0.37	0.37	0.06	1.59	1.59	XXX
76360	TC	A	Ct scan for needle biopsy	0.00	8.29	NA	0.42	8.71	NA	XXX
76362		A	Ct guide for tissue ablation	3.99	9.59	NA	1.68	15.26	NA	XXX
76362	26	A	Ct guide for tissue ablation	3.99	1.30	1.30	0.22	5.51	5.51	XXX
76362	TC	A	Ct guide for tissue ablation	0.00	8.29	NA	1.46	9.75	NA	XXX
76370		A	Ct scan for therapy guide	0.85	3.24	NA	0.21	4.30	NA	XXX
76370	26	A	Ct scan for therapy guide	0.85	0.28	0.28	0.05	1.18	1.18	XXX
76370	TC	A	Ct scan for therapy guide	0.00	2.96	NA	0.16	3.12	NA	XXX
76375		A	3d/holograph reconstr add-on	0.16	3.60	NA	0.19	3.95	NA	XXX
76375	26	A	3d/holograph reconstr add-on	0.16	0.05	0.05	0.01	0.22	0.22	XXX
76375	TC	A	3d/holograph reconstr add-on	0.00	3.55	NA	0.18	3.73	NA	XXX
76380		A	CAT scan follow-up study	0.98	3.84	NA	0.23	5.05	NA	XXX
76380	26	A	CAT scan follow-up study	0.98	0.33	0.33	0.05	1.36	1.36	XXX
76380	TC	A	CAT scan follow-up study	0.00	3.51	NA	0.18	3.69	NA	XXX
76390		N	Mr spectroscopy	+1.40	11.48	11.48	0.66	13.54	13.54	XXX
76390	26	N	Mr spectroscopy	+1.40	0.47	0.47	0.07	1.94	1.94	XXX
76390	TC	N	Mr spectroscopy	+0.00	11.01	11.01	0.59	11.60	11.60	XXX
76393		A	Mr guidance for needle place	1.50	11.74	NA	0.63	13.87	NA	XXX
76393	26	A	Mr guidance for needle place	1.50	0.50	0.50	0.08	2.08	2.08	XXX
76393	TC	A	Mr guidance for needle place	0.00	11.24	NA	0.55	11.79	NA	XXX
76394		A	Mri for tissue ablation	4.24	12.63	NA	1.79	18.66	NA	XXX
76394	26	A	Mri for tissue ablation	4.24	1.39	1.39	0.23	5.86	5.86	XXX
76394	TC	A	Mri for tissue ablation	0.00	11.24	NA	1.56	12.80	NA	XXX
76400		A	Magnetic image, bone marrow	1.60	11.76	NA	0.67	14.03	NA	XXX
76400	26	A	Magnetic image, bone marrow	1.60	0.52	0.52	0.08	2.20	2.20	XXX
76400	TC	A	Magnetic image, bone marrow	0.00	11.24	NA	0.59	11.83	NA	XXX
76490		D	Us for tissue ablation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76490	26	D	Us for tissue ablation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76490	TC	D	Us for tissue ablation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76496		C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76496	26	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76496	TC	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497		C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	26	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	TC	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498		C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	26	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	TC	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499		C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	26	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	TC	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76506		A	Echo exam of head	0.63	1.68	NA	0.12	2.43	NA	XXX
76506	26	A	Echo exam of head	0.63	0.25	0.25	0.04	0.92	0.92	XXX
76506	TC	A	Echo exam of head	0.00	1.43	NA	0.08	1.51	NA	XXX
76511		A	Echo exam of eye	0.94	1.09	NA	0.09	2.12	NA	XXX
76511	26	A	Echo exam of eye	0.94	0.40	0.40	0.02	1.36	1.36	XXX
76511	TC	A	Echo exam of eye	0.00	0.69	NA	0.07	0.76	NA	XXX
76512		A	Echo exam of eye	0.66	1.02	NA	0.11	1.79	NA	XXX
76512	26	A	Echo exam of eye	0.66	0.30	0.30	0.01	0.97	0.97	XXX
76512	TC	A	Echo exam of eye	0.00	0.72	NA	0.10	0.82	NA	XXX
76513		A	Echo exam of eye, water bath	0.66	1.10	NA	0.11	1.87	NA	XXX
76513	26	A	Echo exam of eye, water bath	0.66	0.30	0.30	0.01	0.97	0.97	XXX
76513	TC	A	Echo exam of eye, water bath	0.00	0.80	NA	0.10	0.90	NA	XXX
76514		A	Echo exam of eye, thickness	0.17	0.14	NA	0.02	0.33	NA	XXX
76514	26	A	Echo exam of eye, thickness	0.17	0.08	0.08	0.01	0.26	0.26	XXX
76514	TC	A	Echo exam of eye, thickness	0.00	0.06	NA	0.01	0.07	NA	XXX
76516		A	Echo exam of eye	0.54	0.73	NA	0.08	1.35	NA	XXX
76516	26	A	Echo exam of eye	0.54	0.25	0.25	0.01	0.80	0.80	XXX
76516	TC	A	Echo exam of eye	0.00	0.48	NA	0.07	0.55	NA	XXX
76519		A	Echo exam of eye	0.54	0.81	NA	0.08	1.43	NA	XXX
76519	26	A	Echo exam of eye	0.54	0.25	0.25	0.01	0.80	0.80	XXX
76519	TC	A	Echo exam of eye	0.00	0.56	NA	0.07	0.63	NA	XXX
76529		A	Echo exam of eye	0.57	0.77	NA	0.09	1.43	NA	XXX
76529	26	A	Echo exam of eye	0.57	0.25	0.25	0.01	0.83	0.83	XXX
76529	TC	A	Echo exam of eye	0.00	0.52	NA	0.08	0.60	NA	XXX
76536		A	Us exam of head and neck	0.56	1.62	NA	0.10	2.28	NA	XXX
76536	26	A	Us exam of head and neck	0.56	0.19	0.19	0.02	0.77	0.77	XXX
76536	TC	A	Us exam of head and neck	0.00	1.43	NA	0.08	1.51	NA	XXX
76604		A	Us exam, chest, b-scan	0.55	1.49	NA	0.09	2.13	NA	XXX
76604	26	A	Us exam, chest, b-scan	0.55	0.18	0.18	0.02	0.75	0.75	XXX
76604	TC	A	Us exam, chest, b-scan	0.00	1.31	NA	0.07	1.38	NA	XXX
76645		A	Us exam, breast(s)	0.54	1.24	NA	0.10	1.88	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
76645	26	A	Us exam, breast(s)	0.54	0.18	0.18	0.04	0.76	0.76	XXX
76645	TC	A	Us exam, breast(s)	0.00	1.06	NA	0.06	1.12	NA	XXX
76700		A	Us exam, abdom, complete	0.81	2.25	NA	0.16	3.22	NA	XXX
76700	26	A	Us exam, abdom, complete	0.81	0.27	0.27	0.05	1.13	1.13	XXX
76700	TC	A	Us exam, abdom, complete	0.00	1.98	NA	0.11	2.09	NA	XXX
76705		A	Echo exam of abdomen	0.59	1.63	NA	0.12	2.34	NA	XXX
76705	26	A	Echo exam of abdomen	0.59	0.20	0.20	0.04	0.83	0.83	XXX
76705	TC	A	Echo exam of abdomen	0.00	1.43	NA	0.08	1.51	NA	XXX
76770		A	Us exam abdo back wall, comp	0.74	2.23	NA	0.15	3.12	NA	XXX
76770	26	A	Us exam abdo back wall, comp	0.74	0.25	0.25	0.04	1.03	1.03	XXX
76770	TC	A	Us exam abdo back wall, comp	0.00	1.98	NA	0.11	2.09	NA	XXX
76775		A	Us exam abdo back wall, lim	0.58	1.62	NA	0.12	2.32	NA	XXX
76775	26	A	Us exam abdo back wall, lim	0.58	0.19	0.19	0.04	0.81	0.81	XXX
76775	TC	A	Us exam abdo back wall, lim	0.00	1.43	NA	0.08	1.51	NA	XXX
76778		A	Us exam kidney transplant	0.74	2.23	NA	0.15	3.12	NA	XXX
76778	26	A	Us exam kidney transplant	0.74	0.25	0.25	0.04	1.03	1.03	XXX
76778	TC	A	Us exam kidney transplant	0.00	1.98	NA	0.11	2.09	NA	XXX
76800		A	Us exam, spinal canal	1.13	1.78	NA	0.13	3.04	NA	XXX
76800	26	A	Us exam, spinal canal	1.13	0.35	0.35	0.05	1.53	1.53	XXX
76800	TC	A	Us exam, spinal canal	0.00	1.43	NA	0.08	1.51	NA	XXX
76801		A	Ob us < 14 wks, single fetus	0.99	2.45	NA	0.17	3.61	NA	XXX
76801	26	A	Ob us < 14 wks, single fetus	0.99	0.35	0.35	0.05	1.39	1.39	XXX
76801	TC	A	Ob us < 14 wks, single fetus	0.00	2.10	NA	0.12	2.22	NA	XXX
76802		A	Ob us < 14 wks, add'l fetus	0.83	1.35	NA	0.17	2.35	NA	ZZZ
76802	26	A	Ob us < 14 wks, add'l fetus	0.83	0.29	0.29	0.05	1.17	1.17	ZZZ
76802	TC	A	Ob us < 14 wks, add'l fetus	0.00	1.06	NA	0.12	1.18	NA	ZZZ
76805		A	Ob us >/= 14 wks, sngl fetus	0.99	2.45	NA	0.17	3.61	NA	XXX
76805	26	A	Ob us >/= 14 wks, sngl fetus	0.99	0.35	0.35	0.05	1.39	1.39	XXX
76805	TC	A	Ob us >/= 14 wks, sngl fetus	0.00	2.10	NA	0.12	2.22	NA	XXX
76810		A	Ob us >/= 14 wks, addl fetus	0.98	1.41	NA	0.30	2.69	NA	ZZZ
76810	26	A	Ob us >/= 14 wks, addl fetus	0.98	0.35	0.35	0.08	1.41	1.41	ZZZ
76810	TC	A	Ob us >/= 14 wks, addl fetus	0.00	1.06	NA	0.22	1.28	NA	ZZZ
76811		A	Ob us, detailed, sngl fetus	1.90	4.20	NA	0.61	6.71	NA	XXX
76811	26	A	Ob us, detailed, sngl fetus	1.90	0.66	0.66	0.18	2.74	2.74	XXX
76811	TC	A	Ob us, detailed, sngl fetus	0.00	3.54	NA	0.43	3.97	NA	XXX
76812		A	Ob us, detailed, addl fetus	1.78	1.69	NA	0.55	4.02	NA	ZZZ
76812	26	A	Ob us, detailed, addl fetus	1.78	0.63	0.63	0.14	2.55	2.55	ZZZ
76812	TC	A	Ob us, detailed, addl fetus	0.00	1.06	NA	0.41	1.47	NA	ZZZ
76815		A	Ob us, limited, fetus(s)	0.65	1.66	NA	0.10	2.41	NA	XXX
76815	26	A	Ob us, limited, fetus(s)	0.65	0.23	0.23	0.02	0.90	0.90	XXX
76815	TC	A	Ob us, limited, fetus(s)	0.00	1.43	NA	0.08	1.51	NA	XXX
76816		A	Ob us, follow-up, per fetus	0.85	1.44	NA	0.08	2.37	NA	XXX
76816	26	A	Ob us, follow-up, per fetus	0.85	0.32	0.32	0.02	1.19	1.19	XXX
76816	TC	A	Ob us, follow-up, per fetus	0.00	1.12	NA	0.06	1.18	NA	XXX
76817		A	Transvaginal us, obstetric	0.75	1.80	NA	0.08	2.63	NA	XXX
76817	26	A	Transvaginal us, obstetric	0.75	0.28	0.28	0.02	1.05	1.05	XXX
76817	TC	A	Transvaginal us, obstetric	0.00	1.52	NA	0.06	1.58	NA	XXX
76818		A	Fetal biophys profile w/nst	1.05	2.00	NA	0.15	3.20	NA	XXX
76818	26	A	Fetal biophys profile w/nst	1.05	0.38	0.38	0.05	1.48	1.48	XXX
76818	TC	A	Fetal biophys profile w/nst	0.00	1.62	NA	0.10	1.72	NA	XXX
76819		A	Fetal biophys profil w/o nst	0.77	1.90	NA	0.12	2.79	NA	XXX
76819	26	A	Fetal biophys profil w/o nst	0.77	0.28	0.28	0.02	1.07	1.07	XXX
76819	TC	A	Fetal biophys profil w/o nst	0.00	1.62	NA	0.10	1.72	NA	XXX
76825		A	Echo exam of fetal heart	1.67	2.58	NA	0.18	4.43	NA	XXX
76825	26	A	Echo exam of fetal heart	1.67	0.60	0.60	0.07	2.34	2.34	XXX
76825	TC	A	Echo exam of fetal heart	0.00	1.98	NA	0.11	2.09	NA	XXX
76826		A	Echo exam of fetal heart	0.83	1.00	NA	0.09	1.92	NA	XXX
76826	26	A	Echo exam of fetal heart	0.83	0.29	0.29	0.04	1.16	1.16	XXX
76826	TC	A	Echo exam of fetal heart	0.00	0.71	NA	0.05	0.76	NA	XXX
76827		A	Echo exam of fetal heart	0.58	1.95	NA	0.14	2.67	NA	XXX
76827	26	A	Echo exam of fetal heart	0.58	0.22	0.22	0.02	0.82	0.82	XXX
76827	TC	A	Echo exam of fetal heart	0.00	1.73	NA	0.12	1.85	NA	XXX
76828		A	Echo exam of fetal heart	0.56	1.34	NA	0.10	2.00	NA	XXX
76828	26	A	Echo exam of fetal heart	0.56	0.22	0.22	0.02	0.80	0.80	XXX
76828	TC	A	Echo exam of fetal heart	0.00	1.12	NA	0.08	1.20	NA	XXX
76830		A	Transvaginal us, non-ob	0.69	1.75	NA	0.14	2.58	NA	XXX
76830	26	A	Transvaginal us, non-ob	0.69	0.23	0.23	0.04	0.96	0.96	XXX
76830	TC	A	Transvaginal us, non-ob	0.00	1.52	NA	0.10	1.62	NA	XXX
76831		A	Echo exam, uterus	0.72	1.78	NA	0.12	2.62	NA	XXX
76831	26	A	Echo exam, uterus	0.72	0.26	0.26	0.02	1.00	1.00	XXX
76831	TC	A	Echo exam, uterus	0.00	1.52	NA	0.10	1.62	NA	XXX
76856		A	Us exam, pelvic, complete	0.69	1.75	NA	0.14	2.58	NA	XXX
76856	26	A	Us exam, pelvic, complete	0.69	0.23	0.23	0.04	0.96	0.96	XXX
76856	TC	A	Us exam, pelvic, complete	0.00	1.52	NA	0.10	1.62	NA	XXX
76857		A	Us exam, pelvic, limited	0.38	1.70	NA	0.08	2.16	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
76857	26	A	Us exam, pelvic, limited	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76857	TC	A	Us exam, pelvic, limited	0.00	1.57	NA	0.06	1.63	NA	XXX
76870		A	Us exam, scrotum	0.64	1.73	NA	0.14	2.51	NA	XXX
76870	26	A	Us exam, scrotum	0.64	0.21	0.21	0.04	0.89	0.89	XXX
76870	TC	A	Us exam, scrotum	0.00	1.52	NA	0.10	1.62	NA	XXX
76872		A	Us, transrectal	0.69	2.09	NA	0.15	2.93	NA	XXX
76872	26	A	Us, transrectal	0.69	0.23	0.23	0.05	0.97	0.97	XXX
76872	TC	A	Us, transrectal	0.00	1.86	NA	0.10	1.96	NA	XXX
76873		A	Echograp trans r, pros study	1.55	2.59	NA	0.26	4.40	NA	XXX
76873	26	A	Echograp trans r, pros study	1.55	0.49	0.49	0.10	2.14	2.14	XXX
76873	TC	A	Echograp trans r, pros study	0.00	2.10	NA	0.16	2.26	NA	XXX
76880		A	Us exam, extremity	0.59	1.63	NA	0.12	2.34	NA	XXX
76880	26	A	Us exam, extremity	0.59	0.20	0.20	0.04	0.83	0.83	XXX
76880	TC	A	Us exam, extremity	0.00	1.43	NA	0.08	1.51	NA	XXX
76885		A	Us exam infant hips, dynamic	0.74	1.77	NA	0.14	2.65	NA	XXX
76885	26	A	Us exam infant hips, dynamic	0.74	0.25	0.25	0.04	1.03	1.03	XXX
76885	TC	A	Us exam infant hips, dynamic	0.00	1.52	NA	0.10	1.62	NA	XXX
76886		A	Us exam infant hips, static	0.62	1.64	NA	0.12	2.38	NA	XXX
76886	26	A	Us exam infant hips, static	0.62	0.21	0.21	0.04	0.87	0.87	XXX
76886	TC	A	Us exam infant hips, static	0.00	1.43	NA	0.08	1.51	NA	XXX
76930		A	Echo guide, cardiocentesis	0.67	1.78	NA	0.12	2.57	NA	XXX
76930	26	A	Echo guide, cardiocentesis	0.67	0.26	0.26	0.02	0.95	0.95	XXX
76930	TC	A	Echo guide, cardiocentesis	0.00	1.52	NA	0.10	1.62	NA	XXX
76932		A	Echo guide for heart biopsy	0.67	1.78	NA	0.12	2.57	NA	XXX
76932	26	A	Echo guide for heart biopsy	0.67	0.26	0.26	0.02	0.95	0.95	XXX
76932	TC	A	Echo guide for heart biopsy	0.00	1.52	NA	0.10	1.62	NA	XXX
76936		A	Echo guide for artery repair	1.99	6.98	NA	0.47	9.44	NA	XXX
76936	26	A	Echo guide for artery repair	1.99	0.66	0.66	0.13	2.78	2.78	XXX
76936	TC	A	Echo guide for artery repair	0.00	6.32	NA	0.34	6.66	NA	XXX
76937		A	Us guide, vascular access	0.30	0.47	NA	0.15	0.92	NA	ZZZ
76937	26	A	Us guide, vascular access	0.30	0.10	0.10	0.05	0.45	0.45	ZZZ
76937	TC	A	Us guide, vascular access	0.00	0.37	NA	0.10	0.47	NA	ZZZ
76940		A	Us guide, tissue ablation	2.00	2.17	NA	0.42	4.59	NA	XXX
76940	26	A	Us guide, tissue ablation	2.00	0.65	0.65	0.13	2.78	2.78	XXX
76940	TC	A	Us guide, tissue ablation	0.00	1.52	NA	0.29	1.81	NA	XXX
76941		A	Echo guide for transfusion	1.34	2.00	NA	0.15	3.49	NA	XXX
76941	26	A	Echo guide for transfusion	1.34	0.47	0.47	0.07	1.88	1.88	XXX
76941	TC	A	Echo guide for transfusion	0.00	1.53	NA	0.08	1.61	NA	XXX
76942		A	Echo guide for biopsy	0.67	2.76	NA	0.15	3.58	NA	XXX
76942	26	A	Echo guide for biopsy	0.67	0.22	0.22	0.05	0.94	0.94	XXX
76942	TC	A	Echo guide for biopsy	0.00	2.54	NA	0.10	2.64	NA	XXX
76945		A	Echo guide, villus sampling	0.67	1.76	NA	0.12	2.55	NA	XXX
76945	26	A	Echo guide, villus sampling	0.67	0.23	0.23	0.04	0.94	0.94	XXX
76945	TC	A	Echo guide, villus sampling	0.00	1.53	NA	0.08	1.61	NA	XXX
76946		A	Echo guide for amniocentesis	0.38	1.66	NA	0.11	2.15	NA	XXX
76946	26	A	Echo guide for amniocentesis	0.38	0.14	0.14	0.01	0.53	0.53	XXX
76946	TC	A	Echo guide for amniocentesis	0.00	1.52	NA	0.10	1.62	NA	XXX
76948		A	Echo guide, ova aspiration	0.38	1.65	NA	0.12	2.15	NA	XXX
76948	26	A	Echo guide, ova aspiration	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76948	TC	A	Echo guide, ova aspiration	0.00	1.52	NA	0.10	1.62	NA	XXX
76950		A	Echo guidance radiotherapy	0.58	1.50	NA	0.11	2.19	NA	XXX
76950	26	A	Echo guidance radiotherapy	0.58	0.19	0.19	0.04	0.81	0.81	XXX
76950	TC	A	Echo guidance radiotherapy	0.00	1.31	NA	0.07	1.38	NA	XXX
76965		A	Echo guidance radiotherapy	1.34	6.01	NA	0.37	7.72	NA	XXX
76965	26	A	Echo guidance radiotherapy	1.34	0.42	0.42	0.08	1.84	1.84	XXX
76965	TC	A	Echo guidance radiotherapy	0.00	5.59	NA	0.29	5.88	NA	XXX
76970		A	Ultrasound exam follow-up	0.40	1.19	NA	0.08	1.67	NA	XXX
76970	26	A	Ultrasound exam follow-up	0.40	0.13	0.13	0.02	0.55	0.55	XXX
76970	TC	A	Ultrasound exam follow-up	0.00	1.06	NA	0.06	1.12	NA	XXX
76975		A	GI endoscopic ultrasound	0.81	1.80	NA	0.14	2.75	NA	XXX
76975	26	A	GI endoscopic ultrasound	0.81	0.28	0.28	0.04	1.13	1.13	XXX
76975	TC	A	GI endoscopic ultrasound	0.00	1.52	NA	0.10	1.62	NA	XXX
76977		A	Us bone density measure	0.05	0.85	NA	0.06	0.96	NA	XXX
76977	26	A	Us bone density measure	0.05	0.02	0.02	0.01	0.08	0.08	XXX
76977	TC	A	Us bone density measure	0.00	0.83	NA	0.05	0.88	NA	XXX
76986		A	Ultrasound guide intraoper	1.20	3.02	NA	0.22	4.44	NA	XXX
76986	26	A	Ultrasound guide intraoper	1.20	0.40	0.40	0.08	1.68	1.68	XXX
76986	TC	A	Ultrasound guide intraoper	0.00	2.62	NA	0.14	2.76	NA	XXX
76999		C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76999	26	C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76999	TC	C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77261		A	Radiation therapy planning	1.39	0.51	0.51	0.07	1.97	1.97	XXX
77262		A	Radiation therapy planning	2.11	0.75	0.75	0.11	2.97	2.97	XXX
77263		A	Radiation therapy planning	3.14	1.12	1.12	0.16	4.42	4.42	XXX
77280		A	Set radiation therapy field	0.70	3.70	NA	0.22	4.62	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
77280	26	A	Set radiation therapy field	0.70	0.22	0.22	0.04	0.96	0.96	XXX
77280	TC	A	Set radiation therapy field	0.00	3.48	NA	0.18	3.66	NA	XXX
77285		A	Set radiation therapy field	1.05	5.93	NA	0.35	7.33	NA	XXX
77285	26	A	Set radiation therapy field	1.05	0.34	0.34	0.05	1.44	1.44	XXX
77285	TC	A	Set radiation therapy field	0.00	5.59	NA	0.30	5.89	NA	XXX
77290		A	Set radiation therapy field	1.56	7.02	NA	0.42	9.00	NA	XXX
77290	26	A	Set radiation therapy field	1.56	0.49	0.49	0.07	2.12	2.12	XXX
77290	TC	A	Set radiation therapy field	0.00	6.53	NA	0.35	6.88	NA	XXX
77295		A	Set radiation therapy field	4.56	29.48	NA	1.70	35.74	NA	XXX
77295	26	A	Set radiation therapy field	4.56	1.45	1.45	0.22	6.23	6.23	XXX
77295	TC	A	Set radiation therapy field	0.00	28.03	NA	1.48	29.51	NA	XXX
77299		C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77299	26	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77299	TC	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77300		A	Radiation therapy dose plan	0.62	1.55	NA	0.11	2.28	NA	XXX
77300	26	A	Radiation therapy dose plan	0.62	0.20	0.20	0.04	0.86	0.86	XXX
77300	TC	A	Radiation therapy dose plan	0.00	1.35	NA	0.07	1.42	NA	XXX
77301		A	Radiotherapy dose plan, imrt	7.99	30.57	NA	1.70	40.26	NA	XXX
77301	26	A	Radiotherapy dose plan, imrt	7.99	2.54	2.54	0.22	10.75	10.75	XXX
77301	TC	A	Radiotherapy dose plan, imrt	0.00	28.03	NA	1.48	29.51	NA	XXX
77305		A	Teletx isodose plan simple	0.70	2.10	NA	0.15	2.95	NA	XXX
77305	26	A	Teletx isodose plan simple	0.70	0.23	0.23	0.04	0.97	0.97	XXX
77305	TC	A	Teletx isodose plan simple	0.00	1.87	NA	0.11	1.98	NA	XXX
77310		A	Teletx isodose plan intermed	1.05	2.68	NA	0.18	3.91	NA	XXX
77310	26	A	Teletx isodose plan intermed	1.05	0.34	0.34	0.05	1.44	1.44	XXX
77310	TC	A	Teletx isodose plan intermed	0.00	2.34	NA	0.13	2.47	NA	XXX
77315		A	Teletx isodose plan complex	1.56	3.15	NA	0.21	4.92	NA	XXX
77315	26	A	Teletx isodose plan complex	1.56	0.49	0.49	0.07	2.12	2.12	XXX
77315	TC	A	Teletx isodose plan complex	0.00	2.66	NA	0.14	2.80	NA	XXX
77321		A	Special teletx port plan	0.95	4.37	NA	0.26	5.58	NA	XXX
77321	26	A	Special teletx port plan	0.95	0.31	0.31	0.05	1.31	1.31	XXX
77321	TC	A	Special teletx port plan	0.00	4.06	NA	0.21	4.27	NA	XXX
77326		A	Brachytx isodose calc simp	0.93	2.67	NA	0.18	3.78	NA	XXX
77326	26	A	Brachytx isodose calc simp	0.93	0.30	0.30	0.05	1.28	1.28	XXX
77326	TC	A	Brachytx isodose calc simp	0.00	2.37	NA	0.13	2.50	NA	XXX
77327		A	Brachytx isodose calc interm	1.39	3.92	NA	0.25	5.56	NA	XXX
77327	26	A	Brachytx isodose calc interm	1.39	0.44	0.44	0.07	1.90	1.90	XXX
77327	TC	A	Brachytx isodose calc interm	0.00	3.48	NA	0.18	3.66	NA	XXX
77328		A	Brachytx isodose plan compl	2.09	5.63	NA	0.36	8.08	NA	XXX
77328	26	A	Brachytx isodose plan compl	2.09	0.66	0.66	0.11	2.86	2.86	XXX
77328	TC	A	Brachytx isodose plan compl	0.00	4.97	NA	0.25	5.22	NA	XXX
77331		A	Special radiation dosimetry	0.87	0.78	NA	0.07	1.72	NA	XXX
77331	26	A	Special radiation dosimetry	0.87	0.28	0.28	0.05	1.20	1.20	XXX
77331	TC	A	Special radiation dosimetry	0.00	0.50	NA	0.02	0.52	NA	XXX
77332		A	Radiation treatment aid(s)	0.54	1.52	NA	0.09	2.15	NA	XXX
77332	26	A	Radiation treatment aid(s)	0.54	0.17	0.17	0.02	0.73	0.73	XXX
77332	TC	A	Radiation treatment aid(s)	0.00	1.35	NA	0.07	1.42	NA	XXX
77333		A	Radiation treatment aid(s)	0.84	2.17	NA	0.16	3.17	NA	XXX
77333	26	A	Radiation treatment aid(s)	0.84	0.27	0.27	0.05	1.16	1.16	XXX
77333	TC	A	Radiation treatment aid(s)	0.00	1.90	NA	0.11	2.01	NA	XXX
77334		A	Radiation treatment aid(s)	1.24	3.65	NA	0.23	5.12	NA	XXX
77334	26	A	Radiation treatment aid(s)	1.24	0.39	0.39	0.06	1.69	1.69	XXX
77334	TC	A	Radiation treatment aid(s)	0.00	3.26	NA	0.17	3.43	NA	XXX
77336		A	Radiation physics consult	0.00	2.99	NA	0.16	3.15	NA	XXX
77370		A	Radiation physics consult	0.00	3.50	NA	0.18	3.68	NA	XXX
77399		C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77399	26	C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77399	TC	C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77401		A	Radiation treatment delivery	0.00	1.78	NA	0.11	1.89	NA	XXX
77402		A	Radiation treatment delivery	0.00	1.78	NA	0.11	1.89	NA	XXX
77403		A	Radiation treatment delivery	0.00	1.78	NA	0.11	1.89	NA	XXX
77404		A	Radiation treatment delivery	0.00	1.78	NA	0.11	1.89	NA	XXX
77406		A	Radiation treatment delivery	0.00	1.78	NA	0.11	1.89	NA	XXX
77407		A	Radiation treatment delivery	0.00	2.09	NA	0.12	2.21	NA	XXX
77408		A	Radiation treatment delivery	0.00	2.09	NA	0.12	2.21	NA	XXX
77409		A	Radiation treatment delivery	0.00	2.09	NA	0.12	2.21	NA	XXX
77411		A	Radiation treatment delivery	0.00	2.09	NA	0.12	2.21	NA	XXX
77412		A	Radiation treatment delivery	0.00	2.34	NA	0.13	2.47	NA	XXX
77413		A	Radiation treatment delivery	0.00	2.34	NA	0.13	2.47	NA	XXX
77414		A	Radiation treatment delivery	0.00	2.34	NA	0.13	2.47	NA	XXX
77416		A	Radiation treatment delivery	0.00	2.34	NA	0.13	2.47	NA	XXX
77417		A	Radiology port film(s)	0.00	0.59	NA	0.04	0.63	NA	XXX
77418		A	Radiation tx delivery, imrt	0.00	18.05	NA	0.13	18.18	NA	XXX
77427		A	Radiation tx management, x5	3.31	1.05	1.05	0.17	4.53	4.53	XXX
77431		A	Radiation therapy management	1.81	0.68	0.68	0.08	2.57	2.57	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
77432		A	Stereotactic radiation trmt	7.92	2.91	2.91	0.40	11.23	11.23	XXX
77470		A	Special radiation treatment	2.09	11.85	NA	0.70	14.64	NA	XXX
77470	26	A	Special radiation treatment	2.09	0.66	0.66	0.11	2.86	2.86	XXX
77470	TC	A	Special radiation treatment	0.00	11.19	NA	0.59	11.78	NA	XXX
77499		C	Radiation therapy management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77499	26	C	Radiation therapy management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77499	TC	C	Radiation therapy management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77520		C	Proton trmt, simple w/o comp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77522		C	Proton trmt, simple w/comp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77523		C	Proton trmt, intermediate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77525		C	Proton treatment, complex	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77600		R	Hyperthermia treatment	1.56	3.55	NA	0.26	5.37	NA	XXX
77600	26	R	Hyperthermia treatment	1.56	0.49	0.49	0.10	2.15	2.15	XXX
77600	TC	R	Hyperthermia treatment	0.00	3.06	NA	0.16	3.22	NA	XXX
77605		R	Hyperthermia treatment	2.09	4.74	NA	0.38	7.21	NA	XXX
77605	26	R	Hyperthermia treatment	2.09	0.66	0.66	0.16	2.91	2.91	XXX
77605	TC	R	Hyperthermia treatment	0.00	4.08	NA	0.22	4.30	NA	XXX
77610		R	Hyperthermia treatment	1.56	3.56	NA	0.24	5.36	NA	XXX
77610	26	R	Hyperthermia treatment	1.56	0.50	0.50	0.08	2.14	2.14	XXX
77610	TC	R	Hyperthermia treatment	0.00	3.06	NA	0.16	3.22	NA	XXX
77615		R	Hyperthermia treatment	2.09	4.74	NA	0.33	7.16	NA	XXX
77615	26	R	Hyperthermia treatment	2.09	0.66	0.66	0.11	2.86	2.86	XXX
77615	TC	R	Hyperthermia treatment	0.00	4.08	NA	0.22	4.30	NA	XXX
77620		R	Hyperthermia treatment	1.56	3.57	NA	0.23	5.36	NA	XXX
77620	26	R	Hyperthermia treatment	1.56	0.51	0.51	0.07	2.14	2.14	XXX
77620	TC	R	Hyperthermia treatment	0.00	3.06	NA	0.16	3.22	NA	XXX
77750		A	Infuse radioactive materials	4.90	2.91	NA	0.28	8.09	NA	090
77750	26	A	Infuse radioactive materials	4.90	1.57	1.57	0.21	6.68	6.68	090
77750	TC	A	Infuse radioactive materials	0.00	1.34	NA	0.07	1.41	NA	090
77761		A	Apply intrcav radiat simple	3.80	3.62	NA	0.33	7.75	NA	090
77761	26	A	Apply intrcav radiat simple	3.80	1.10	1.10	0.19	5.09	5.09	090
77761	TC	A	Apply intrcav radiat simple	0.00	2.52	NA	0.14	2.66	NA	090
77762		A	Apply intrcav radiat interm	5.71	5.45	NA	0.46	11.62	NA	090
77762	26	A	Apply intrcav radiat interm	5.71	1.83	1.83	0.27	7.81	7.81	090
77762	TC	A	Apply intrcav radiat interm	0.00	3.62	NA	0.19	3.81	NA	090
77763		A	Apply intrcav radiat compl	8.56	7.22	NA	0.64	16.42	NA	090
77763	26	A	Apply intrcav radiat compl	8.56	2.72	2.72	0.41	11.69	11.69	090
77763	TC	A	Apply intrcav radiat compl	0.00	4.50	NA	0.23	4.73	NA	090
77776		A	Apply interstit radiat simpl	4.65	3.14	NA	0.42	8.21	NA	090
77776	26	A	Apply interstit radiat simpl	4.65	0.96	0.96	0.29	5.90	5.90	090
77776	TC	A	Apply interstit radiat simpl	0.00	2.18	NA	0.13	2.31	NA	090
77777		A	Apply interstit radiat inter	7.47	6.61	NA	0.61	14.69	NA	090
77777	26	A	Apply interstit radiat inter	7.47	2.36	2.36	0.39	10.22	10.22	090
77777	TC	A	Apply interstit radiat inter	0.00	4.25	NA	0.22	4.47	NA	090
77778		A	Apply interstit radiat compl	11.17	8.69	NA	0.84	20.70	NA	090
77778	26	A	Apply interstit radiat compl	11.17	3.54	3.54	0.57	15.28	15.28	090
77778	TC	A	Apply interstit radiat compl	0.00	5.15	NA	0.27	5.42	NA	090
77781		A	High intensity brachytherapy	1.66	20.91	NA	1.14	23.71	NA	090
77781	26	A	High intensity brachytherapy	1.66	0.53	0.53	0.08	2.27	2.27	090
77781	TC	A	High intensity brachytherapy	0.00	20.38	NA	1.06	21.44	NA	090
77782		A	High intensity brachytherapy	2.49	21.18	NA	1.18	24.85	NA	090
77782	26	A	High intensity brachytherapy	2.49	0.80	0.80	0.12	3.41	3.41	090
77782	TC	A	High intensity brachytherapy	0.00	20.38	NA	1.06	21.44	NA	090
77783		A	High intensity brachytherapy	3.72	21.56	NA	1.24	26.52	NA	090
77783	26	A	High intensity brachytherapy	3.72	1.18	1.18	0.18	5.08	5.08	090
77783	TC	A	High intensity brachytherapy	0.00	20.38	NA	1.06	21.44	NA	090
77784		A	High intensity brachytherapy	5.60	22.16	NA	1.33	29.09	NA	090
77784	26	A	High intensity brachytherapy	5.60	1.78	1.78	0.27	7.65	7.65	090
77784	TC	A	High intensity brachytherapy	0.00	20.38	NA	1.06	21.44	NA	090
77789		A	Apply surface radiation	1.12	0.82	NA	0.06	2.00	NA	000
77789	26	A	Apply surface radiation	1.12	0.37	0.37	0.04	1.53	1.53	000
77789	TC	A	Apply surface radiation	0.00	0.45	NA	0.02	0.47	NA	000
77790		A	Radiation handling	1.05	0.84	NA	0.07	1.96	NA	XXX
77790	26	A	Radiation handling	1.05	0.34	0.34	0.05	1.44	1.44	XXX
77790	TC	A	Radiation handling	0.00	0.50	NA	0.02	0.52	NA	XXX
77799		C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77799	26	C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77799	TC	C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78000		A	Thyroid, single uptake	0.19	1.04	NA	0.07	1.30	NA	XXX
78000	26	A	Thyroid, single uptake	0.19	0.07	0.07	0.01	0.27	0.27	XXX
78000	TC	A	Thyroid, single uptake	0.00	0.97	NA	0.06	1.03	NA	XXX
78001		A	Thyroid, multiple uptakes	0.26	1.40	NA	0.08	1.74	NA	XXX
78001	26	A	Thyroid, multiple uptakes	0.26	0.09	0.09	0.01	0.36	0.36	XXX
78001	TC	A	Thyroid, multiple uptakes	0.00	1.31	NA	0.07	1.38	NA	XXX
78003		A	Thyroid suppress/stimul	0.33	1.08	NA	0.07	1.48	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
78003	26	A	Thyroid suppress/stimul	0.33	0.11	0.11	0.01	0.45	0.45	XXX
78003	TC	A	Thyroid suppress/stimul	0.00	0.97	NA	0.06	1.03	NA	XXX
78006		A	Thyroid imaging with uptake	0.49	2.56	NA	0.15	3.20	NA	XXX
78006	26	A	Thyroid imaging with uptake	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78006	TC	A	Thyroid imaging with uptake	0.00	2.39	NA	0.13	2.52	NA	XXX
78007		A	Thyroid image, mult uptakes	0.50	2.76	NA	0.16	3.42	NA	XXX
78007	26	A	Thyroid image, mult uptakes	0.50	0.17	0.17	0.02	0.69	0.69	XXX
78007	TC	A	Thyroid image, mult uptakes	0.00	2.59	NA	0.14	2.73	NA	XXX
78010		A	Thyroid imaging	0.39	1.96	NA	0.13	2.48	NA	XXX
78010	26	A	Thyroid imaging	0.39	0.13	0.13	0.02	0.54	0.54	XXX
78010	TC	A	Thyroid imaging	0.00	1.83	NA	0.11	1.94	NA	XXX
78011		A	Thyroid imaging with flow	0.45	2.57	NA	0.15	3.17	NA	XXX
78011	26	A	Thyroid imaging with flow	0.45	0.15	0.15	0.02	0.62	0.62	XXX
78011	TC	A	Thyroid imaging with flow	0.00	2.42	NA	0.13	2.55	NA	XXX
78015		A	Thyroid met imaging	0.67	2.82	NA	0.18	3.67	NA	XXX
78015	26	A	Thyroid met imaging	0.67	0.23	0.23	0.04	0.94	0.94	XXX
78015	TC	A	Thyroid met imaging	0.00	2.59	NA	0.14	2.73	NA	XXX
78016		A	Thyroid met imaging/studies	0.82	3.78	NA	0.22	4.82	NA	XXX
78016	26	A	Thyroid met imaging/studies	0.82	0.29	0.29	0.04	1.15	1.15	XXX
78016	TC	A	Thyroid met imaging/studies	0.00	3.49	NA	0.18	3.67	NA	XXX
78018		A	Thyroid met imaging, body	0.86	5.75	NA	0.33	6.94	NA	XXX
78018	26	A	Thyroid met imaging, body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78018	TC	A	Thyroid met imaging, body	0.00	5.45	NA	0.29	5.74	NA	XXX
78020		A	Thyroid met uptake	0.60	1.52	NA	0.16	2.28	NA	ZZZ
78020	26	A	Thyroid met uptake	0.60	0.21	0.21	0.02	0.83	0.83	ZZZ
78020	TC	A	Thyroid met uptake	0.00	1.31	NA	0.14	1.45	NA	ZZZ
78070		A	Parathyroid nuclear imaging	0.82	2.11	NA	0.15	3.08	NA	XXX
78070	26	A	Parathyroid nuclear imaging	0.82	0.28	0.28	0.04	1.14	1.14	XXX
78070	TC	A	Parathyroid nuclear imaging	0.00	1.83	NA	0.11	1.94	NA	XXX
78075		A	Adrenal nuclear imaging	0.74	5.72	NA	0.33	6.79	NA	XXX
78075	26	A	Adrenal nuclear imaging	0.74	0.27	0.27	0.04	1.05	1.05	XXX
78075	TC	A	Adrenal nuclear imaging	0.00	5.45	NA	0.29	5.74	NA	XXX
78099		C	Endocrine nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78099	26	C	Endocrine nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78099	TC	C	Endocrine nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78102		A	Bone marrow imaging, ltd	0.55	2.24	NA	0.14	2.93	NA	XXX
78102	26	A	Bone marrow imaging, ltd	0.55	0.20	0.20	0.02	0.77	0.77	XXX
78102	TC	A	Bone marrow imaging, ltd	0.00	2.04	NA	0.12	2.16	NA	XXX
78103		A	Bone marrow imaging, mult	0.75	3.44	NA	0.21	4.40	NA	XXX
78103	26	A	Bone marrow imaging, mult	0.75	0.26	0.26	0.04	1.05	1.05	XXX
78103	TC	A	Bone marrow imaging, mult	0.00	3.18	NA	0.17	3.35	NA	XXX
78104		A	Bone marrow imaging, body	0.80	4.36	NA	0.26	5.42	NA	XXX
78104	26	A	Bone marrow imaging, body	0.80	0.27	0.27	0.04	1.11	1.11	XXX
78104	TC	A	Bone marrow imaging, body	0.00	4.09	NA	0.22	4.31	NA	XXX
78110		A	Plasma volume, single	0.19	1.02	NA	0.07	1.28	NA	XXX
78110	26	A	Plasma volume, single	0.19	0.07	0.07	0.01	0.27	0.27	XXX
78110	TC	A	Plasma volume, single	0.00	0.95	NA	0.06	1.01	NA	XXX
78111		A	Plasma volume, multiple	0.22	2.67	NA	0.15	3.04	NA	XXX
78111	26	A	Plasma volume, multiple	0.22	0.08	0.08	0.01	0.31	0.31	XXX
78111	TC	A	Plasma volume, multiple	0.00	2.59	NA	0.14	2.73	NA	XXX
78120		A	Red cell mass, single	0.23	1.82	NA	0.12	2.17	NA	XXX
78120	26	A	Red cell mass, single	0.23	0.08	0.08	0.01	0.32	0.32	XXX
78120	TC	A	Red cell mass, single	0.00	1.74	NA	0.11	1.85	NA	XXX
78121		A	Red cell mass, multiple	0.32	3.03	NA	0.15	3.50	NA	XXX
78121	26	A	Red cell mass, multiple	0.32	0.11	0.11	0.01	0.44	0.44	XXX
78121	TC	A	Red cell mass, multiple	0.00	2.92	NA	0.14	3.06	NA	XXX
78122		A	Blood volume	0.45	4.78	NA	0.26	5.49	NA	XXX
78122	26	A	Blood volume	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78122	TC	A	Blood volume	0.00	4.62	NA	0.24	4.86	NA	XXX
78130		A	Red cell survival study	0.61	3.07	NA	0.18	3.86	NA	XXX
78130	26	A	Red cell survival study	0.61	0.21	0.21	0.04	0.86	0.86	XXX
78130	TC	A	Red cell survival study	0.00	2.86	NA	0.14	3.00	NA	XXX
78135		A	Red cell survival kinetics	0.64	5.11	NA	0.29	6.04	NA	XXX
78135	26	A	Red cell survival kinetics	0.64	0.22	0.22	0.04	0.90	0.90	XXX
78135	TC	A	Red cell survival kinetics	0.00	4.89	NA	0.25	5.14	NA	XXX
78140		A	Red cell sequestration	0.61	4.15	NA	0.25	5.01	NA	XXX
78140	26	A	Red cell sequestration	0.61	0.20	0.20	0.04	0.85	0.85	XXX
78140	TC	A	Red cell sequestration	0.00	3.95	NA	0.21	4.16	NA	XXX
78160		A	Plasma iron turnover	0.33	3.80	NA	0.23	4.36	NA	XXX
78160	26	A	Plasma iron turnover	0.33	0.12	0.12	0.04	0.49	0.49	XXX
78160	TC	A	Plasma iron turnover	0.00	3.68	NA	0.19	3.87	NA	XXX
78162		A	Radioiron absorption exam	0.45	3.40	NA	0.18	4.03	NA	XXX
78162	26	A	Radioiron absorption exam	0.45	0.19	0.19	0.01	0.65	0.65	XXX
78162	TC	A	Radioiron absorption exam	0.00	3.21	NA	0.17	3.38	NA	XXX
78170		A	Red cell iron utilization	0.41	5.47	NA	0.33	6.21	NA	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
78170	26	A	Red cell iron utilization	0.41	0.14	0.14	0.05	0.60	0.60	XXX
78170	TC	A	Red cell iron utilization	0.00	5.33	NA	0.28	5.61	NA	XXX
78172		C	Total body iron estimation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78172	26	A	Total body iron estimation	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78172	TC	C	Total body iron estimation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78185		A	Spleen imaging	0.40	2.51	NA	0.15	3.06	NA	XXX
78185	26	A	Spleen imaging	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78185	TC	A	Spleen imaging	0.00	2.37	NA	0.13	2.50	NA	XXX
78190		A	Platelet survival, kinetics	1.09	6.12	NA	0.37	7.58	NA	XXX
78190	26	A	Platelet survival, kinetics	1.09	0.39	0.39	0.07	1.55	1.55	XXX
78190	TC	A	Platelet survival, kinetics	0.00	5.73	NA	0.30	6.03	NA	XXX
78191		A	Platelet survival	0.61	7.56	NA	0.41	8.58	NA	XXX
78191	26	A	Platelet survival	0.61	0.20	0.20	0.04	0.85	0.85	XXX
78191	TC	A	Platelet survival	0.00	7.36	NA	0.37	7.73	NA	XXX
78195		A	Lymph system imaging	1.20	4.50	NA	0.28	5.98	NA	XXX
78195	26	A	Lymph system imaging	1.20	0.41	0.41	0.06	1.67	1.67	XXX
78195	TC	A	Lymph system imaging	0.00	4.09	NA	0.22	4.31	NA	XXX
78199		C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78199	26	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78199	TC	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78201		A	Liver imaging	0.44	2.52	NA	0.15	3.11	NA	XXX
78201	26	A	Liver imaging	0.44	0.15	0.15	0.02	0.61	0.61	XXX
78201	TC	A	Liver imaging	0.00	2.37	NA	0.13	2.50	NA	XXX
78202		A	Liver imaging with flow	0.51	3.07	NA	0.16	3.74	NA	XXX
78202	26	A	Liver imaging with flow	0.51	0.18	0.18	0.02	0.71	0.71	XXX
78202	TC	A	Liver imaging with flow	0.00	2.89	NA	0.14	3.03	NA	XXX
78205		A	Liver imaging (3D)	0.71	6.18	NA	0.35	7.24	NA	XXX
78205	26	A	Liver imaging (3D)	0.71	0.25	0.25	0.04	1.00	1.00	XXX
78205	TC	A	Liver imaging (3D)	0.00	5.93	NA	0.31	6.24	NA	XXX
78206		A	Liver image (3d) with flow	0.96	6.27	NA	0.16	7.39	NA	XXX
78206	26	A	Liver image (3d) with flow	0.96	0.34	0.34	0.05	1.35	1.35	XXX
78206	TC	A	Liver image (3d) with flow	0.00	5.93	NA	0.11	6.04	NA	XXX
78215		A	Liver and spleen imaging	0.49	3.12	NA	0.16	3.77	NA	XXX
78215	26	A	Liver and spleen imaging	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78215	TC	A	Liver and spleen imaging	0.00	2.95	NA	0.14	3.09	NA	XXX
78216		A	Liver & spleen image/flow	0.57	3.69	NA	0.20	4.46	NA	XXX
78216	26	A	Liver & spleen image/flow	0.57	0.20	0.20	0.02	0.79	0.79	XXX
78216	TC	A	Liver & spleen image/flow	0.00	3.49	NA	0.18	3.67	NA	XXX
78220		A	Liver function study	0.49	3.91	NA	0.21	4.61	NA	XXX
78220	26	A	Liver function study	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78220	TC	A	Liver function study	0.00	3.74	NA	0.19	3.93	NA	XXX
78223		A	Hepatobiliary imaging	0.84	3.96	NA	0.24	5.04	NA	XXX
78223	26	A	Hepatobiliary imaging	0.84	0.28	0.28	0.05	1.17	1.17	XXX
78223	TC	A	Hepatobiliary imaging	0.00	3.68	NA	0.19	3.87	NA	XXX
78230		A	Salivary gland imaging	0.45	2.33	NA	0.15	2.93	NA	XXX
78230	26	A	Salivary gland imaging	0.45	0.15	0.15	0.02	0.62	0.62	XXX
78230	TC	A	Salivary gland imaging	0.00	2.18	NA	0.13	2.31	NA	XXX
78231		A	Serial salivary imaging	0.52	3.37	NA	0.19	4.08	NA	XXX
78231	26	A	Serial salivary imaging	0.52	0.19	0.19	0.02	0.73	0.73	XXX
78231	TC	A	Serial salivary imaging	0.00	3.18	NA	0.17	3.35	NA	XXX
78232		A	Salivary gland function exam	0.47	3.72	NA	0.19	4.38	NA	XXX
78232	26	A	Salivary gland function exam	0.47	0.17	0.17	0.01	0.65	0.65	XXX
78232	TC	A	Salivary gland function exam	0.00	3.55	NA	0.18	3.73	NA	XXX
78258		A	Esophageal motility study	0.74	3.14	NA	0.18	4.06	NA	XXX
78258	26	A	Esophageal motility study	0.74	0.25	0.25	0.04	1.03	1.03	XXX
78258	TC	A	Esophageal motility study	0.00	2.89	NA	0.14	3.03	NA	XXX
78261		A	Gastric mucosa imaging	0.69	4.36	NA	0.26	5.31	NA	XXX
78261	26	A	Gastric mucosa imaging	0.69	0.25	0.25	0.04	0.98	0.98	XXX
78261	TC	A	Gastric mucosa imaging	0.00	4.11	NA	0.22	4.33	NA	XXX
78262		A	Gastroesophageal reflux exam	0.68	4.51	NA	0.26	5.45	NA	XXX
78262	26	A	Gastroesophageal reflux exam	0.68	0.24	0.24	0.04	0.96	0.96	XXX
78262	TC	A	Gastroesophageal reflux exam	0.00	4.27	NA	0.22	4.49	NA	XXX
78264		A	Gastric emptying study	0.78	4.41	NA	0.26	5.45	NA	XXX
78264	26	A	Gastric emptying study	0.78	0.27	0.27	0.04	1.09	1.09	XXX
78264	TC	A	Gastric emptying study	0.00	4.14	NA	0.22	4.36	NA	XXX
78267		X	Breath tst attain/anal c-14	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78268		X	Breath test analysis, c-14	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78270		A	Vit B-12 absorption exam	0.20	1.62	NA	0.11	1.93	NA	XXX
78270	26	A	Vit B-12 absorption exam	0.20	0.07	0.07	0.01	0.28	0.28	XXX
78270	TC	A	Vit B-12 absorption exam	0.00	1.55	NA	0.10	1.65	NA	XXX
78271		A	Vit b-12 absrp exam, int fac	0.20	1.72	NA	0.11	2.03	NA	XXX
78271	26	A	Vit b-12 absrp exam, int fac	0.20	0.07	0.07	0.01	0.28	0.28	XXX
78271	TC	A	Vit b-12 absrp exam, int fac	0.00	1.65	NA	0.10	1.75	NA	XXX
78272		A	Vit B-12 absorp, combined	0.27	2.43	NA	0.14	2.84	NA	XXX
78272	26	A	Vit B-12 absorp, combined	0.27	0.10	0.10	0.01	0.38	0.38	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
78272	TC	A	Vit B-12 absorp, combined	0.00	2.33	NA	0.13	2.46	NA	XXX
78278		A	Acute GI blood loss imaging	0.99	5.23	NA	0.30	6.52	NA	XXX
78278	26	A	Acute GI blood loss imaging	0.99	0.34	0.34	0.05	1.38	1.38	XXX
78278	TC	A	Acute GI blood loss imaging	0.00	4.89	NA	0.25	5.14	NA	XXX
78282		C	GI protein loss exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78282	26	A	GI protein loss exam	0.38	0.13	0.13	0.02	0.53	0.53	XXX
78282	TC	C	GI protein loss exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78290		A	Meckel's divert exam	0.68	3.29	NA	0.20	4.17	NA	XXX
78290	26	A	Meckel's divert exam	0.68	0.23	0.23	0.04	0.95	0.95	XXX
78290	TC	A	Meckel's divert exam	0.00	3.06	NA	0.16	3.22	NA	XXX
78291		A	Leveen/shunt patency exam	0.88	3.38	NA	0.21	4.47	NA	XXX
78291	26	A	Leveen/shunt patency exam	0.88	0.30	0.30	0.05	1.23	1.23	XXX
78291	TC	A	Leveen/shunt patency exam	0.00	3.08	NA	0.16	3.24	NA	XXX
78299		C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78299	26	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78299	TC	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78300		A	Bone imaging, limited area	0.62	2.71	NA	0.18	3.51	NA	XXX
78300	26	A	Bone imaging, limited area	0.62	0.21	0.21	0.04	0.87	0.87	XXX
78300	TC	A	Bone imaging, limited area	0.00	2.50	NA	0.14	2.64	NA	XXX
78305		A	Bone imaging, multiple areas	0.83	3.96	NA	0.23	5.02	NA	XXX
78305	26	A	Bone imaging, multiple areas	0.83	0.28	0.28	0.04	1.15	1.15	XXX
78305	TC	A	Bone imaging, multiple areas	0.00	3.68	NA	0.19	3.87	NA	XXX
78306		A	Bone imaging, whole body	0.86	4.58	NA	0.27	5.71	NA	XXX
78306	26	A	Bone imaging, whole body	0.86	0.29	0.29	0.05	1.20	1.20	XXX
78306	TC	A	Bone imaging, whole body	0.00	4.29	NA	0.22	4.51	NA	XXX
78315		A	Bone imaging, 3 phase	1.02	5.15	NA	0.30	6.47	NA	XXX
78315	26	A	Bone imaging, 3 phase	1.02	0.35	0.35	0.05	1.42	1.42	XXX
78315	TC	A	Bone imaging, 3 phase	0.00	4.80	NA	0.25	5.05	NA	XXX
78320		A	Bone imaging (3D)	1.04	6.30	NA	0.36	7.70	NA	XXX
78320	26	A	Bone imaging (3D)	1.04	0.37	0.37	0.05	1.46	1.46	XXX
78320	TC	A	Bone imaging (3D)	0.00	5.93	NA	0.31	6.24	NA	XXX
78350		A	Bone mineral, single photon	0.22	0.83	NA	0.06	1.11	NA	XXX
78350	26	A	Bone mineral, single photon	0.22	0.07	0.07	0.01	0.30	0.30	XXX
78350	TC	A	Bone mineral, single photon	0.00	0.76	NA	0.05	0.81	NA	XXX
78351		N	Bone mineral, dual photon	+0.30	1.72	0.12	0.01	2.03	0.43	XXX
78399		C	Musculoskeletal nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78399	26	C	Musculoskeletal nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78399	TC	C	Musculoskeletal nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78414		C	Non-imaging heart function	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78414	26	A	Non-imaging heart function	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78414	TC	C	Non-imaging heart function	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78428		A	Cardiac shunt imaging	0.78	2.56	NA	0.17	3.51	NA	XXX
78428	26	A	Cardiac shunt imaging	0.78	0.30	0.30	0.04	1.12	1.12	XXX
78428	TC	A	Cardiac shunt imaging	0.00	2.26	NA	0.13	2.39	NA	XXX
78445		A	Vascular flow imaging	0.49	2.04	NA	0.13	2.66	NA	XXX
78445	26	A	Vascular flow imaging	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78445	TC	A	Vascular flow imaging	0.00	1.87	NA	0.11	1.98	NA	XXX
78455		A	Venous thrombosis study	0.73	4.25	NA	0.25	5.23	NA	XXX
78455	26	A	Venous thrombosis study	0.73	0.25	0.25	0.04	1.02	1.02	XXX
78455	TC	A	Venous thrombosis study	0.00	4.00	NA	0.21	4.21	NA	XXX
78456		A	Acute venous thrombus image	1.00	4.35	NA	0.34	5.69	NA	XXX
78456	26	A	Acute venous thrombus image	1.00	0.35	0.35	0.05	1.40	1.40	XXX
78456	TC	A	Acute venous thrombus image	0.00	4.00	NA	0.29	4.29	NA	XXX
78457		A	Venous thrombosis imaging	0.77	2.92	NA	0.18	3.87	NA	XXX
78457	26	A	Venous thrombosis imaging	0.77	0.26	0.26	0.04	1.07	1.07	XXX
78457	TC	A	Venous thrombosis imaging	0.00	2.66	NA	0.14	2.80	NA	XXX
78458		A	Ven thrombosis images, bilat	0.90	4.37	NA	0.25	5.52	NA	XXX
78458	26	A	Ven thrombosis images, bilat	0.90	0.33	0.33	0.04	1.27	1.27	XXX
78458	TC	A	Ven thrombosis images, bilat	0.00	4.04	NA	0.21	4.25	NA	XXX
78459		C	Heart muscle imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78459	26	R	Heart muscle imaging (PET)	1.50	0.57	0.57	0.05	2.12	2.12	XXX
78459	TC	C	Heart muscle imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78460		A	Heart muscle blood, single	0.86	2.67	NA	0.17	3.70	NA	XXX
78460	26	A	Heart muscle blood, single	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78460	TC	A	Heart muscle blood, single	0.00	2.37	NA	0.13	2.50	NA	XXX
78461		A	Heart muscle blood, multiple	1.23	5.17	NA	0.31	6.71	NA	XXX
78461	26	A	Heart muscle blood, multiple	1.23	0.43	0.43	0.06	1.72	1.72	XXX
78461	TC	A	Heart muscle blood, multiple	0.00	4.74	NA	0.25	4.99	NA	XXX
78464		A	Heart image (3d), single	1.09	7.48	NA	0.42	8.99	NA	XXX
78464	26	A	Heart image (3d), single	1.09	0.38	0.38	0.05	1.52	1.52	XXX
78464	TC	A	Heart image (3d), single	0.00	7.10	NA	0.37	7.47	NA	XXX
78465		A	Heart image (3d), multiple	1.46	12.35	NA	0.68	14.49	NA	XXX
78465	26	A	Heart image (3d), multiple	1.46	0.52	0.52	0.06	2.04	2.04	XXX
78465	TC	A	Heart image (3d), multiple	0.00	11.83	NA	0.62	12.45	NA	XXX
78466		A	Heart infarct image	0.69	2.87	NA	0.18	3.74	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
78466	26	A	Heart infarct image	0.69	0.25	0.25	0.04	0.98	0.98	XXX
78466	TC	A	Heart infarct image	0.00	2.62	NA	0.14	2.76	NA	XXX
78468		A	Heart infarct image (ef)	0.80	3.96	NA	0.23	4.99	NA	XXX
78468	26	A	Heart infarct image (ef)	0.80	0.28	0.28	0.04	1.12	1.12	XXX
78468	TC	A	Heart infarct image (ef)	0.00	3.68	NA	0.19	3.87	NA	XXX
78469		A	Heart infarct image (3D)	0.92	5.56	NA	0.32	6.80	NA	XXX
78469	26	A	Heart infarct image (3D)	0.92	0.32	0.32	0.04	1.28	1.28	XXX
78469	TC	A	Heart infarct image (3D)	0.00	5.24	NA	0.28	5.52	NA	XXX
78472		A	Gated heart, planar, single	0.98	5.88	NA	0.35	7.21	NA	XXX
78472	26	A	Gated heart, planar, single	0.98	0.35	0.35	0.05	1.38	1.38	XXX
78472	TC	A	Gated heart, planar, single	0.00	5.53	NA	0.30	5.83	NA	XXX
78473		A	Gated heart, multiple	1.47	8.80	NA	0.48	10.75	NA	XXX
78473	26	A	Gated heart, multiple	1.47	0.51	0.51	0.06	2.04	2.04	XXX
78473	TC	A	Gated heart, multiple	0.00	8.29	NA	0.42	8.71	NA	XXX
78478		A	Heart wall motion add-on	0.62	1.79	NA	0.12	2.53	NA	XXX
78478	26	A	Heart wall motion add-on	0.62	0.23	0.23	0.02	0.87	0.87	XXX
78478	TC	A	Heart wall motion add-on	0.00	1.56	NA	0.10	1.66	NA	XXX
78480		A	Heart function add-on	0.62	1.79	NA	0.12	2.53	NA	XXX
78480	26	A	Heart function add-on	0.62	0.23	0.23	0.02	0.87	0.87	XXX
78480	TC	A	Heart function add-on	0.00	1.56	NA	0.10	1.66	NA	XXX
78481		A	Heart first pass, single	0.98	5.61	NA	0.32	6.91	NA	XXX
78481	26	A	Heart first pass, single	0.98	0.37	0.37	0.04	1.39	1.39	XXX
78481	TC	A	Heart first pass, single	0.00	5.24	NA	0.28	5.52	NA	XXX
78483		A	Heart first pass, multiple	1.47	8.43	NA	0.47	10.37	NA	XXX
78483	26	A	Heart first pass, multiple	1.47	0.54	0.54	0.06	2.07	2.07	XXX
78483	TC	A	Heart first pass, multiple	0.00	7.89	NA	0.41	8.30	NA	XXX
78491		I	Heart image (pet), single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78491	26	I	Heart image (pet), single	+1.50	0.59	0.59	0.06	2.15	2.15	XXX
78491	TC	I	Heart image (pet), single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492		I	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492	26	I	Heart image (pet), multiple	+1.87	0.74	0.74	0.07	2.68	2.68	XXX
78492	TC	I	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78494		A	Heart image, spect	1.19	7.51	NA	0.35	9.05	NA	XXX
78494	26	A	Heart image, spect	1.19	0.41	0.41	0.05	1.65	1.65	XXX
78494	TC	A	Heart image, spect	0.00	7.10	NA	0.30	7.40	NA	XXX
78496		A	Heart first pass add-on	0.50	7.28	NA	0.32	8.10	NA	ZZZ
78496	26	A	Heart first pass add-on	0.50	0.18	0.18	0.02	0.70	0.70	ZZZ
78496	TC	A	Heart first pass add-on	0.00	7.10	NA	0.30	7.40	NA	ZZZ
78499		C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78499	26	C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78499	TC	C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78580		A	Lung perfusion imaging	0.74	3.69	NA	0.22	4.65	NA	XXX
78580	26	A	Lung perfusion imaging	0.74	0.25	0.25	0.04	1.03	1.03	XXX
78580	TC	A	Lung perfusion imaging	0.00	3.44	NA	0.18	3.62	NA	XXX
78584		A	Lung V/Q image single breath	0.99	3.54	NA	0.22	4.75	NA	XXX
78584	26	A	Lung V/Q image single breath	0.99	0.33	0.33	0.05	1.37	1.37	XXX
78584	TC	A	Lung V/Q image single breath	0.00	3.21	NA	0.17	3.38	NA	XXX
78585		A	Lung V/Q imaging	1.09	6.02	NA	0.36	7.47	NA	XXX
78585	26	A	Lung V/Q imaging	1.09	0.37	0.37	0.06	1.52	1.52	XXX
78585	TC	A	Lung V/Q imaging	0.00	5.65	NA	0.30	5.95	NA	XXX
78586		A	Aerosol lung image, single	0.40	2.73	NA	0.16	3.29	NA	XXX
78586	26	A	Aerosol lung image, single	0.40	0.13	0.13	0.02	0.55	0.55	XXX
78586	TC	A	Aerosol lung image, single	0.00	2.60	NA	0.14	2.74	NA	XXX
78587		A	Aerosol lung image, multiple	0.49	2.98	NA	0.16	3.63	NA	XXX
78587	26	A	Aerosol lung image, multiple	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78587	TC	A	Aerosol lung image, multiple	0.00	2.81	NA	0.14	2.95	NA	XXX
78588		A	Perfusion lung image	1.09	3.58	NA	0.24	4.91	NA	XXX
78588	26	A	Perfusion lung image	1.09	0.37	0.37	0.06	1.52	1.52	XXX
78588	TC	A	Perfusion lung image	0.00	3.21	NA	0.18	3.39	NA	XXX
78591		A	Vent image, 1 breath, 1 proj	0.40	3.00	NA	0.16	3.56	NA	XXX
78591	26	A	Vent image, 1 breath, 1 proj	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78591	TC	A	Vent image, 1 breath, 1 proj	0.00	2.86	NA	0.14	3.00	NA	XXX
78593		A	Vent image, 1 proj, gas	0.49	3.63	NA	0.20	4.32	NA	XXX
78593	26	A	Vent image, 1 proj, gas	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78593	TC	A	Vent image, 1 proj, gas	0.00	3.46	NA	0.18	3.64	NA	XXX
78594		A	Vent image, mult proj, gas	0.53	5.17	NA	0.27	5.97	NA	XXX
78594	26	A	Vent image, mult proj, gas	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78594	TC	A	Vent image, mult proj, gas	0.00	4.99	NA	0.25	5.24	NA	XXX
78596		A	Lung differential function	1.27	7.52	NA	0.43	9.22	NA	XXX
78596	26	A	Lung differential function	1.27	0.42	0.42	0.06	1.75	1.75	XXX
78596	TC	A	Lung differential function	0.00	7.10	NA	0.37	7.47	NA	XXX
78599		C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78599	26	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78599	TC	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78600		A	Brain imaging, ltd static	0.44	3.04	NA	0.16	3.64	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
78600	26	A	Brain imaging, ltd static	0.44	0.15	0.15	0.02	0.61	0.61	XXX
78600	TC	A	Brain imaging, ltd static	0.00	2.89	NA	0.14	3.03	NA	XXX
78601		A	Brain imaging, ltd w/flow	0.51	3.58	NA	0.20	4.29	NA	XXX
78601	26	A	Brain imaging, ltd w/flow	0.51	0.17	0.17	0.02	0.70	0.70	XXX
78601	TC	A	Brain imaging, ltd w/flow	0.00	3.41	NA	0.18	3.59	NA	XXX
78605		A	Brain imaging, complete	0.53	3.60	NA	0.20	4.33	NA	XXX
78605	26	A	Brain imaging, complete	0.53	0.19	0.19	0.02	0.74	0.74	XXX
78605	TC	A	Brain imaging, complete	0.00	3.41	NA	0.18	3.59	NA	XXX
78606		A	Brain imaging, compl w/flow	0.64	4.10	NA	0.25	4.99	NA	XXX
78606	26	A	Brain imaging, compl w/flow	0.64	0.22	0.22	0.04	0.90	0.90	XXX
78606	TC	A	Brain imaging, compl w/flow	0.00	3.88	NA	0.21	4.09	NA	XXX
78607		A	Brain imaging (3D)	1.23	7.01	NA	0.41	8.65	NA	XXX
78607	26	A	Brain imaging (3D)	1.23	0.43	0.43	0.06	1.72	1.72	XXX
78607	TC	A	Brain imaging (3D)	0.00	6.58	NA	0.35	6.93	NA	XXX
78608		N	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78609		N	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78610		A	Brain flow imaging only	0.30	1.69	NA	0.11	2.10	NA	XXX
78610	26	A	Brain flow imaging only	0.30	0.11	0.11	0.01	0.42	0.42	XXX
78610	TC	A	Brain flow imaging only	0.00	1.58	NA	0.10	1.68	NA	XXX
78615		A	Cerebral vascular flow image	0.42	4.02	NA	0.23	4.67	NA	XXX
78615	26	A	Cerebral vascular flow image	0.42	0.16	0.16	0.02	0.60	0.60	XXX
78615	TC	A	Cerebral vascular flow image	0.00	3.86	NA	0.21	4.07	NA	XXX
78630		A	Cerebrospinal fluid scan	0.68	5.28	NA	0.31	6.27	NA	XXX
78630	26	A	Cerebrospinal fluid scan	0.68	0.23	0.23	0.04	0.95	0.95	XXX
78630	TC	A	Cerebrospinal fluid scan	0.00	5.05	NA	0.27	5.32	NA	XXX
78635		A	CSF ventriculography	0.61	2.80	NA	0.16	3.57	NA	XXX
78635	26	A	CSF ventriculography	0.61	0.24	0.24	0.02	0.87	0.87	XXX
78635	TC	A	CSF ventriculography	0.00	2.56	NA	0.14	2.70	NA	XXX
78645		A	CSF shunt evaluation	0.57	3.64	NA	0.20	4.41	NA	XXX
78645	26	A	CSF shunt evaluation	0.57	0.20	0.20	0.02	0.79	0.79	XXX
78645	TC	A	CSF shunt evaluation	0.00	3.44	NA	0.18	3.62	NA	XXX
78647		A	Cerebrospinal fluid scan	0.90	6.25	NA	0.35	7.50	NA	XXX
78647	26	A	Cerebrospinal fluid scan	0.90	0.32	0.32	0.04	1.26	1.26	XXX
78647	TC	A	Cerebrospinal fluid scan	0.00	5.93	NA	0.31	6.24	NA	XXX
78650		A	CSF leakage imaging	0.61	4.87	NA	0.26	5.74	NA	XXX
78650	26	A	CSF leakage imaging	0.61	0.21	0.21	0.02	0.84	0.84	XXX
78650	TC	A	CSF leakage imaging	0.00	4.66	NA	0.24	4.90	NA	XXX
78660		A	Nuclear exam of tear flow	0.53	2.30	NA	0.14	2.97	NA	XXX
78660	26	A	Nuclear exam of tear flow	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78660	TC	A	Nuclear exam of tear flow	0.00	2.12	NA	0.12	2.24	NA	XXX
78699		C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78699	26	C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78699	TC	C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78700		A	Kidney imaging, static	0.45	3.21	NA	0.18	3.84	NA	XXX
78700	26	A	Kidney imaging, static	0.45	0.15	0.15	0.02	0.62	0.62	XXX
78700	TC	A	Kidney imaging, static	0.00	3.06	NA	0.16	3.22	NA	XXX
78701		A	Kidney imaging with flow	0.49	3.74	NA	0.20	4.43	NA	XXX
78701	26	A	Kidney imaging with flow	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78701	TC	A	Kidney imaging with flow	0.00	3.57	NA	0.18	3.75	NA	XXX
78704		A	Imaging renogram	0.74	4.22	NA	0.25	5.21	NA	XXX
78704	26	A	Imaging renogram	0.74	0.25	0.25	0.04	1.03	1.03	XXX
78704	TC	A	Imaging renogram	0.00	3.97	NA	0.21	4.18	NA	XXX
78707		A	Kidney flow/function image	0.96	4.81	NA	0.28	6.05	NA	XXX
78707	26	A	Kidney flow/function image	0.96	0.33	0.33	0.05	1.34	1.34	XXX
78707	TC	A	Kidney flow/function image	0.00	4.48	NA	0.23	4.71	NA	XXX
78708		A	Kidney flow/function image	1.21	4.89	NA	0.29	6.39	NA	XXX
78708	26	A	Kidney flow/function image	1.21	0.41	0.41	0.06	1.68	1.68	XXX
78708	TC	A	Kidney flow/function image	0.00	4.48	NA	0.23	4.71	NA	XXX
78709		A	Kidney flow/function image	1.41	4.95	NA	0.30	6.66	NA	XXX
78709	26	A	Kidney flow/function image	1.41	0.47	0.47	0.07	1.95	1.95	XXX
78709	TC	A	Kidney flow/function image	0.00	4.48	NA	0.23	4.71	NA	XXX
78710		A	Kidney imaging (3D)	0.66	6.15	NA	0.35	7.16	NA	XXX
78710	26	A	Kidney imaging (3D)	0.66	0.22	0.22	0.04	0.92	0.92	XXX
78710	TC	A	Kidney imaging (3D)	0.00	5.93	NA	0.31	6.24	NA	XXX
78715		A	Renal vascular flow exam	0.30	1.69	NA	0.11	2.10	NA	XXX
78715	26	A	Renal vascular flow exam	0.30	0.11	0.11	0.01	0.42	0.42	XXX
78715	TC	A	Renal vascular flow exam	0.00	1.58	NA	0.10	1.68	NA	XXX
78725		A	Kidney function study	0.38	1.92	NA	0.12	2.42	NA	XXX
78725	26	A	Kidney function study	0.38	0.13	0.13	0.01	0.52	0.52	XXX
78725	TC	A	Kidney function study	0.00	1.79	NA	0.11	1.90	NA	XXX
78730		A	Urinary bladder retention	0.36	1.59	NA	0.10	2.05	NA	XXX
78730	26	A	Urinary bladder retention	0.36	0.13	0.13	0.02	0.51	0.51	XXX
78730	TC	A	Urinary bladder retention	0.00	1.46	NA	0.08	1.54	NA	XXX
78740		A	Ureteral reflux study	0.57	2.31	NA	0.14	3.02	NA	XXX
78740	26	A	Ureteral reflux study	0.57	0.19	0.19	0.02	0.78	0.78	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
78740	TC	A	Ureteral reflux study	0.00	2.12	NA	0.12	2.24	NA	XXX
78760		A	Testicular imaging	0.66	2.90	NA	0.18	3.74	NA	XXX
78760	26	A	Testicular imaging	0.66	0.22	0.22	0.04	0.92	0.92	XXX
78760	TC	A	Testicular imaging	0.00	2.68	NA	0.14	2.82	NA	XXX
78761		A	Testicular imaging/flow	0.71	3.45	NA	0.21	4.37	NA	XXX
78761	26	A	Testicular imaging/flow	0.71	0.24	0.24	0.04	0.99	0.99	XXX
78761	TC	A	Testicular imaging/flow	0.00	3.21	NA	0.17	3.38	NA	XXX
78799		C	Genitourinary nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78799	26	C	Genitourinary nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78799	TC	C	Genitourinary nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78800		A	Tumor imaging, limited area	0.66	3.63	NA	0.22	4.51	NA	XXX
78800	26	A	Tumor imaging, limited area	0.66	0.22	0.22	0.04	0.92	0.92	XXX
78800	TC	A	Tumor imaging, limited area	0.00	3.41	NA	0.18	3.59	NA	XXX
78801		A	Tumor imaging, mult areas	0.79	4.51	NA	0.26	5.56	NA	XXX
78801	26	A	Tumor imaging, mult areas	0.79	0.27	0.27	0.04	1.10	1.10	XXX
78801	TC	A	Tumor imaging, mult areas	0.00	4.24	NA	0.22	4.46	NA	XXX
78802		A	Tumor imaging, whole body	0.86	5.85	NA	0.34	7.05	NA	XXX
78802	26	A	Tumor imaging, whole body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78802	TC	A	Tumor imaging, whole body	0.00	5.55	NA	0.30	5.85	NA	XXX
78803		A	Tumor imaging (3D)	1.09	6.96	NA	0.40	8.45	NA	XXX
78803	26	A	Tumor imaging (3D)	1.09	0.38	0.38	0.05	1.52	1.52	XXX
78803	TC	A	Tumor imaging (3D)	0.00	6.58	NA	0.35	6.93	NA	XXX
78804		A	Tumor imaging, whole body	1.07	4.66	NA	0.34	6.07	NA	XXX
78804	26	A	Tumor imaging, whole body	1.07	0.37	0.37	0.04	1.48	1.48	XXX
78804	TC	A	Tumor imaging, whole body	0.00	4.29	NA	0.30	4.59	NA	XXX
78805		A	Abscess imaging, ltd area	0.73	3.66	NA	0.22	4.61	NA	XXX
78805	26	A	Abscess imaging, ltd area	0.73	0.25	0.25	0.04	1.02	1.02	XXX
78805	TC	A	Abscess imaging, ltd area	0.00	3.41	NA	0.18	3.59	NA	XXX
78806		A	Abscess imaging, whole body	0.86	6.75	NA	0.39	8.00	NA	XXX
78806	26	A	Abscess imaging, whole body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78806	TC	A	Abscess imaging, whole body	0.00	6.45	NA	0.35	6.80	NA	XXX
78807		A	Nuclear localization/abscess	1.09	6.97	NA	0.40	8.46	NA	XXX
78807	26	A	Nuclear localization/abscess	1.09	0.39	0.39	0.05	1.53	1.53	XXX
78807	TC	A	Nuclear localization/abscess	0.00	6.58	NA	0.35	6.93	NA	XXX
78810		N	Tumor imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78810	26	N	Tumor imaging (PET)	+1.93	0.74	0.74	0.11	2.78	2.78	XXX
78810	TC	N	Tumor imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78890		B	Nuclear medicine data proc	+0.05	1.33	NA	0.07	1.45	NA	XXX
78890	26	B	Nuclear medicine data proc	+0.05	0.02	0.02	0.01	0.08	0.08	XXX
78890	TC	B	Nuclear medicine data proc	+0.00	1.31	NA	0.06	1.37	NA	XXX
78891		B	Nuclear med data proc	+0.10	2.66	NA	0.14	2.90	NA	XXX
78891	26	B	Nuclear med data proc	+0.10	0.04	0.04	0.01	0.15	0.15	XXX
78891	TC	B	Nuclear med data proc	+0.00	2.62	NA	0.13	2.75	NA	XXX
78990		I	Provide diag radionuclide(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999		C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999	26	C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999	TC	C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79000		A	Init hyperthyroid therapy	1.80	3.22	NA	0.22	5.24	NA	XXX
79000	26	A	Init hyperthyroid therapy	1.80	0.60	0.60	0.08	2.48	2.48	XXX
79000	TC	A	Init hyperthyroid therapy	0.00	2.62	NA	0.14	2.76	NA	XXX
79001		A	Repeat hyperthyroid therapy	1.05	1.67	NA	0.12	2.84	NA	XXX
79001	26	A	Repeat hyperthyroid therapy	1.05	0.36	0.36	0.05	1.46	1.46	XXX
79001	TC	A	Repeat hyperthyroid therapy	0.00	1.31	NA	0.07	1.38	NA	XXX
79020		A	Thyroid ablation	1.81	3.22	NA	0.22	5.25	NA	XXX
79020	26	A	Thyroid ablation	1.81	0.60	0.60	0.08	2.49	2.49	XXX
79020	TC	A	Thyroid ablation	0.00	2.62	NA	0.14	2.76	NA	XXX
79030		A	Thyroid ablation, carcinoma	2.10	3.33	NA	0.24	5.67	NA	XXX
79030	26	A	Thyroid ablation, carcinoma	2.10	0.71	0.71	0.10	2.91	2.91	XXX
79030	TC	A	Thyroid ablation, carcinoma	0.00	2.62	NA	0.14	2.76	NA	XXX
79035		A	Thyroid metastatic therapy	2.52	3.50	NA	0.25	6.27	NA	XXX
79035	26	A	Thyroid metastatic therapy	2.52	0.88	0.88	0.11	3.51	3.51	XXX
79035	TC	A	Thyroid metastatic therapy	0.00	2.62	NA	0.14	2.76	NA	XXX
79100		A	Hematopoetic nuclear therapy	1.32	3.08	NA	0.20	4.60	NA	XXX
79100	26	A	Hematopoetic nuclear therapy	1.32	0.46	0.46	0.06	1.84	1.84	XXX
79100	TC	A	Hematopoetic nuclear therapy	0.00	2.62	NA	0.14	2.76	NA	XXX
79200		A	Intracavitary nuclear trmt	1.99	3.31	NA	0.22	5.52	NA	XXX
79200	26	A	Intracavitary nuclear trmt	1.99	0.69	0.69	0.08	2.76	2.76	XXX
79200	TC	A	Intracavitary nuclear trmt	0.00	2.62	NA	0.14	2.76	NA	XXX
79300		C	Interstitial nuclear therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79300	26	A	Interstitial nuclear therapy	1.60	0.56	0.56	0.08	2.24	2.24	XXX
79300	TC	C	Interstitial nuclear therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79400		A	Nonhemato nuclear therapy	1.96	3.29	NA	0.24	5.49	NA	XXX
79400	26	A	Nonhemato nuclear therapy	1.96	0.67	0.67	0.10	2.73	2.73	XXX
79400	TC	A	Nonhemato nuclear therapy	0.00	2.62	NA	0.14	2.76	NA	XXX
79403		A	Hematopoetic nuclear therapy	2.25	5.19	NA	0.24	7.68	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
79403	26	A	Hematopoetic nuclear therapy	2.25	0.90	0.90	0.10	3.25	3.25	XXX
79403	TC	A	Hematopoetic nuclear therapy	0.00	4.29	NA	0.14	4.43	NA	XXX
79420		C	Intravascular nuclear ther	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79420	26	A	Intravascular nuclear ther	1.51	0.49	0.49	0.07	2.07	2.07	XXX
79420	TC	C	Intravascular nuclear ther	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79440		A	Nuclear joint therapy	1.99	3.34	NA	0.24	5.57	NA	XXX
79440	26	A	Nuclear joint therapy	1.99	0.72	0.72	0.10	2.81	2.81	XXX
79440	TC	A	Nuclear joint therapy	0.00	2.62	NA	0.14	2.76	NA	XXX
79900		C	Provide ther radiopharm(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999		C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	26	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	TC	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
80500		A	Lab pathology consultation	0.37	0.22	0.16	0.01	0.60	0.54	XXX
80502		A	Lab pathology consultation	1.33	0.62	0.58	0.06	2.01	1.97	XXX
83020	26	A	Hemoglobin electrophoresis	0.37	0.16	0.16	0.01	0.54	0.54	XXX
83912	26	A	Genetic examination	0.37	0.15	0.15	0.01	0.53	0.53	XXX
84165	26	A	Electrophoreisis of proteins	0.37	0.16	0.16	0.01	0.54	0.54	XXX
84181	26	A	Western blot test	0.37	0.14	0.14	0.01	0.52	0.52	XXX
84182	26	A	Protein, western blot test	0.37	0.17	0.16	0.01	0.55	0.54	XXX
85060		A	Blood smear interpretation	0.45	0.20	0.20	0.02	0.67	0.67	XXX
85097		A	Bone marrow interpretation	0.94	1.75	0.41	0.04	2.73	1.39	XXX
85390	26	A	Fibrinolysins screen	0.37	0.15	0.15	0.01	0.53	0.53	XXX
85396		A	Clotting assay, whole blood	0.37	NA	0.17	0.04	NA	0.58	XXX
85576	26	A	Blood platelet aggregation	0.37	0.17	0.16	0.01	0.55	0.54	XXX
86077		A	Physician blood bank service	0.94	0.46	0.41	0.04	1.44	1.39	XXX
86078		A	Physician blood bank service	0.94	0.49	0.40	0.04	1.47	1.38	XXX
86079		A	Physician blood bank service	0.94	0.49	0.41	0.04	1.47	1.39	XXX
86255	26	A	Fluorescent antibody, screen	0.37	0.17	0.16	0.01	0.55	0.54	XXX
86256	26	A	Fluorescent antibody, titer	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86320	26	A	Serum immunoelectrophoresis	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86325	26	A	Other immunoelectrophoresis	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86327	26	A	Immunoelectrophoresis assay	0.42	0.19	0.19	0.01	0.62	0.62	XXX
86334	26	A	Immunofixation procedure	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86485		C	Skin test, candida	0.00	0.00	0.00	0.00	0.00	0.00	XXX
86490		A	Coccidioidomycosis skin test	0.00	0.29	NA	0.02	0.31	NA	XXX
86510		A	Histoplasmosis skin test	0.00	0.32	NA	0.02	0.34	NA	XXX
86580		A	TB intradermal test	0.00	0.26	NA	0.02	0.28	NA	XXX
86585		A	TB tine test	0.00	0.21	NA	0.01	0.22	NA	XXX
86586		C	Skin test, unlisted	0.00	0.00	0.00	0.00	0.00	0.00	XXX
87164	26	A	Dark field examination	0.37	0.12	0.12	0.01	0.50	0.50	XXX
87207	26	A	Smear, special stain	0.37	0.17	0.16	0.01	0.55	0.54	XXX
88104		A	Cytopathology, fluids	0.56	0.75	NA	0.04	1.35	NA	XXX
88104	26	A	Cytopathology, fluids	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88104	TC	A	Cytopathology, fluids	0.00	0.50	NA	0.02	0.52	NA	XXX
88106		A	Cytopathology, fluids	0.56	0.62	NA	0.04	1.22	NA	XXX
88106	26	A	Cytopathology, fluids	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88106	TC	A	Cytopathology, fluids	0.00	0.37	NA	0.02	0.39	NA	XXX
88107		A	Cytopathology, fluids	0.76	0.98	NA	0.06	1.80	NA	XXX
88107	26	A	Cytopathology, fluids	0.76	0.34	0.34	0.04	1.14	1.14	XXX
88107	TC	A	Cytopathology, fluids	0.00	0.64	NA	0.02	0.66	NA	XXX
88108		A	Cytopath, concentrate tech	0.56	0.81	NA	0.04	1.41	NA	XXX
88108	26	A	Cytopath, concentrate tech	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88108	TC	A	Cytopath, concentrate tech	0.00	0.56	NA	0.02	0.58	NA	XXX
88112		A	Cytopath, cell enhance tech	1.18	1.98	NA	0.08	3.24	NA	XXX
88112	26	A	Cytopath, cell enhance tech	1.18	0.51	0.51	0.06	1.75	1.75	XXX
88112	TC	A	Cytopath, cell enhance tech	0.00	1.47	NA	0.02	1.49	NA	XXX
88125		A	Forensic cytopathology	0.26	0.26	NA	0.02	0.54	NA	XXX
88125	26	A	Forensic cytopathology	0.26	0.12	0.12	0.01	0.39	0.39	XXX
88125	TC	A	Forensic cytopathology	0.00	0.14	NA	0.01	0.15	NA	XXX
88141		A	Cytopath, c/v, interpret	0.42	0.18	0.18	0.01	0.61	0.61	XXX
88160		A	Cytopath smear, other source	0.50	0.92	NA	0.04	1.46	NA	XXX
88160	26	A	Cytopath smear, other source	0.50	0.22	0.22	0.02	0.74	0.74	XXX
88160	TC	A	Cytopath smear, other source	0.00	0.70	NA	0.02	0.72	NA	XXX
88161		A	Cytopath smear, other source	0.50	0.88	NA	0.04	1.42	NA	XXX
88161	26	A	Cytopath smear, other source	0.50	0.22	0.22	0.02	0.74	0.74	XXX
88161	TC	A	Cytopath smear, other source	0.00	0.66	NA	0.02	0.68	NA	XXX
88162		A	Cytopath smear, other source	0.76	0.68	NA	0.06	1.50	NA	XXX
88162	26	A	Cytopath smear, other source	0.76	0.34	0.34	0.04	1.14	1.14	XXX
88162	TC	A	Cytopath smear, other source	0.00	0.34	NA	0.02	0.36	NA	XXX
88172		A	Cytopathology eval of fna	0.60	0.66	NA	0.04	1.30	NA	XXX
88172	26	A	Cytopathology eval of fna	0.60	0.27	0.27	0.02	0.89	0.89	XXX
88172	TC	A	Cytopathology eval of fna	0.00	0.39	NA	0.02	0.41	NA	XXX
88173		A	Cytopath eval, fna, report	1.39	1.75	NA	0.08	3.22	NA	XXX
88173	26	A	Cytopath eval, fna, report	1.39	0.60	0.60	0.06	2.05	2.05	XXX
88173	TC	A	Cytopath eval, fna, report	0.00	1.15	NA	0.02	1.17	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
88180		A	Cell marker study	0.36	1.43	NA	0.03	1.82	NA	XXX
88180	26	A	Cell marker study	0.36	0.16	0.16	0.01	0.53	0.53	XXX
88180	TC	A	Cell marker study	0.00	1.27	NA	0.02	1.29	NA	XXX
88182		A	Cell marker study	0.77	1.59	NA	0.08	2.44	NA	XXX
88182	26	A	Cell marker study	0.77	0.34	0.34	0.04	1.15	1.15	XXX
88182	TC	A	Cell marker study	0.00	1.25	NA	0.04	1.29	NA	XXX
88199		C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88199	26	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88199	TC	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88291		A	Cyto/molecular report	0.52	0.28	0.28	0.02	0.82	0.82	XXX
88299		C	Cytogenetic study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88300		A	Surgical path, gross	0.08	0.28	NA	0.02	0.38	NA	XXX
88300	26	A	Surgical path, gross	0.08	0.04	0.04	0.01	0.13	0.13	XXX
88300	TC	A	Surgical path, gross	0.00	0.24	NA	0.01	0.25	NA	XXX
88302		A	Tissue exam by pathologist	0.13	0.69	NA	0.03	0.85	NA	XXX
88302	26	A	Tissue exam by pathologist	0.13	0.06	0.06	0.01	0.20	0.20	XXX
88302	TC	A	Tissue exam by pathologist	0.00	0.63	NA	0.02	0.65	NA	XXX
88304		A	Tissue exam by pathologist	0.22	0.87	NA	0.03	1.12	NA	XXX
88304	26	A	Tissue exam by pathologist	0.22	0.10	0.10	0.01	0.33	0.33	XXX
88304	TC	A	Tissue exam by pathologist	0.00	0.77	NA	0.02	0.79	NA	XXX
88305		A	Tissue exam by pathologist	0.75	1.74	NA	0.06	2.55	NA	XXX
88305	26	A	Tissue exam by pathologist	0.75	0.34	0.34	0.02	1.11	1.11	XXX
88305	TC	A	Tissue exam by pathologist	0.00	1.40	NA	0.04	1.44	NA	XXX
88307		A	Tissue exam by pathologist	1.59	2.65	NA	0.13	4.37	NA	XXX
88307	26	A	Tissue exam by pathologist	1.59	0.69	0.69	0.07	2.35	2.35	XXX
88307	TC	A	Tissue exam by pathologist	0.00	1.96	NA	0.06	2.02	NA	XXX
88309		A	Tissue exam by pathologist	2.28	3.25	NA	0.16	5.69	NA	XXX
88309	26	A	Tissue exam by pathologist	2.28	1.00	1.00	0.10	3.38	3.38	XXX
88309	TC	A	Tissue exam by pathologist	0.00	2.25	NA	0.06	2.31	NA	XXX
88311		A	Decalcify tissue	0.24	0.20	NA	0.02	0.46	NA	XXX
88311	26	A	Decalcify tissue	0.24	0.11	0.11	0.01	0.36	0.36	XXX
88311	TC	A	Decalcify tissue	0.00	0.09	NA	0.01	0.10	NA	XXX
88312		A	Special stains	0.54	1.35	NA	0.03	1.92	NA	XXX
88312	26	A	Special stains	0.54	0.24	0.24	0.02	0.80	0.80	XXX
88312	TC	A	Special stains	0.00	1.11	NA	0.01	1.12	NA	XXX
88313		A	Special stains	0.24	1.09	NA	0.02	1.35	NA	XXX
88313	26	A	Special stains	0.24	0.11	0.11	0.01	0.36	0.36	XXX
88313	TC	A	Special stains	0.00	0.98	NA	0.01	0.99	NA	XXX
88314		A	Histochemical stain	0.45	0.89	NA	0.04	1.38	NA	XXX
88314	26	A	Histochemical stain	0.45	0.20	0.20	0.02	0.67	0.67	XXX
88314	TC	A	Histochemical stain	0.00	0.69	NA	0.02	0.71	NA	XXX
88318		A	Chemical histochemistry	0.42	0.80	NA	0.02	1.24	NA	XXX
88318	26	A	Chemical histochemistry	0.42	0.19	0.19	0.01	0.62	0.62	XXX
88318	TC	A	Chemical histochemistry	0.00	0.61	NA	0.01	0.62	NA	XXX
88319		A	Enzyme histochemistry	0.53	1.89	NA	0.04	2.46	NA	XXX
88319	26	A	Enzyme histochemistry	0.53	0.23	0.23	0.02	0.78	0.78	XXX
88319	TC	A	Enzyme histochemistry	0.00	1.66	NA	0.02	1.68	NA	XXX
88321		A	Microslide consultation	1.30	0.82	0.56	0.05	2.17	1.91	XXX
88323		A	Microslide consultation	1.35	1.44	NA	0.08	2.87	NA	XXX
88323	26	A	Microslide consultation	1.35	0.59	0.59	0.06	2.00	2.00	XXX
88323	TC	A	Microslide consultation	0.00	0.85	NA	0.02	0.87	NA	XXX
88325		A	Comprehensive review of data	2.22	2.90	0.97	0.10	5.22	3.29	XXX
88329		A	Path consult introp	0.67	0.63	0.30	0.02	1.32	0.99	XXX
88331		A	Path consult intraop, 1 bloc	1.19	0.98	NA	0.09	2.26	NA	XXX
88331	26	A	Path consult intraop, 1 bloc	1.19	0.52	0.52	0.05	1.76	1.76	XXX
88331	TC	A	Path consult intraop, 1 bloc	0.00	0.46	NA	0.04	0.50	NA	XXX
88332		A	Path consult intraop, add'l	0.59	0.50	NA	0.04	1.13	NA	XXX
88332	26	A	Path consult intraop, add'l	0.59	0.26	0.26	0.02	0.87	0.87	XXX
88332	TC	A	Path consult intraop, add'l	0.00	0.24	NA	0.02	0.26	NA	XXX
88342		A	Immunohistochemistry	0.85	1.35	NA	0.06	2.26	NA	XXX
88342	26	A	Immunohistochemistry	0.85	0.37	0.37	0.04	1.26	1.26	XXX
88342	TC	A	Immunohistochemistry	0.00	0.98	NA	0.02	1.00	NA	XXX
88346		A	Immunofluorescent study	0.86	1.44	NA	0.06	2.36	NA	XXX
88346	26	A	Immunofluorescent study	0.86	0.37	0.37	0.04	1.27	1.27	XXX
88346	TC	A	Immunofluorescent study	0.00	1.07	NA	0.02	1.09	NA	XXX
88347		A	Immunofluorescent study	0.86	1.76	NA	0.06	2.68	NA	XXX
88347	26	A	Immunofluorescent study	0.86	0.36	0.36	0.04	1.26	1.26	XXX
88347	TC	A	Immunofluorescent study	0.00	1.40	NA	0.02	1.42	NA	XXX
88348		A	Electron microscopy	1.51	8.47	NA	0.13	10.11	NA	XXX
88348	26	A	Electron microscopy	1.51	0.65	0.65	0.06	2.22	2.22	XXX
88348	TC	A	Electron microscopy	0.00	7.82	NA	0.07	7.89	NA	XXX
88349		A	Scanning electron microscopy	0.76	9.99	NA	0.10	10.85	NA	XXX
88349	26	A	Scanning electron microscopy	0.76	0.34	0.34	0.04	1.14	1.14	XXX
88349	TC	A	Scanning electron microscopy	0.00	9.65	NA	0.06	9.71	NA	XXX
88355		A	Analysis, skeletal muscle	1.85	2.60	NA	0.14	4.59	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
88355	26	A	Analysis, skeletal muscle	1.85	0.80	0.80	0.08	2.73	2.73	XXX
88355	TC	A	Analysis, skeletal muscle	0.00	1.80	NA	0.06	1.86	NA	XXX
88356		A	Analysis, nerve	3.02	2.87	NA	0.19	6.08	NA	XXX
88356	26	A	Analysis, nerve	3.02	1.27	1.27	0.12	4.41	4.41	XXX
88356	TC	A	Analysis, nerve	0.00	1.60	NA	0.07	1.67	NA	XXX
88358		A	Analysis, tumor	0.95	1.38	NA	0.19	2.52	NA	XXX
88358	26	A	Analysis, tumor	0.95	1.23	1.23	0.12	2.30	2.30	XXX
88358	TC	A	Analysis, tumor	0.00	0.15	NA	0.07	0.22	NA	XXX
88361		A	Immunohistochemistry, tumor	0.94	2.59	NA	0.19	3.72	NA	XXX
88361	26	A	Immunohistochemistry, tumor	0.94	0.41	0.41	0.12	1.47	1.47	XXX
88361	TC	A	Immunohistochemistry, tumor	0.00	2.18	NA	0.07	2.25	NA	XXX
88362		A	Nerve teasing preparations	2.17	4.40	NA	0.14	6.71	NA	XXX
88362	26	A	Nerve teasing preparations	2.17	0.93	0.93	0.08	3.18	3.18	XXX
88362	TC	A	Nerve teasing preparations	0.00	3.47	NA	0.06	3.53	NA	XXX
88365		A	Tissue hybridization	0.93	2.21	NA	0.06	3.20	NA	XXX
88365	26	A	Tissue hybridization	0.93	0.41	0.41	0.04	1.38	1.38	XXX
88365	TC	A	Tissue hybridization	0.00	1.80	NA	0.02	1.82	NA	XXX
88371	26	A	Protein, western blot tissue	0.37	0.13	0.13	0.01	0.51	0.51	XXX
88372	26	A	Protein analysis w/probe	0.37	0.17	0.17	0.01	0.55	0.55	XXX
88380		C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88380	26	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88380	TC	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399		C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	26	C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	TC	C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89060	26	A	Exam,synovial fluid crystals	0.37	0.17	0.16	0.01	0.55	0.54	XXX
89100		A	Sample intestinal contents	0.60	1.60	0.22	0.02	2.22	0.84	XXX
89105		A	Sample intestinal contents	0.50	2.24	0.17	0.02	2.76	0.69	XXX
89130		A	Sample stomach contents	0.45	1.74	0.13	0.02	2.21	0.60	XXX
89132		A	Sample stomach contents	0.19	1.48	0.06	0.01	1.68	0.26	XXX
89135		A	Sample stomach contents	0.79	1.59	0.25	0.04	2.42	1.08	XXX
89136		A	Sample stomach contents	0.21	1.60	0.09	0.01	1.82	0.31	XXX
89140		A	Sample stomach contents	0.94	2.06	0.28	0.04	3.04	1.26	XXX
89141		A	Sample stomach contents	0.85	2.72	0.34	0.04	3.61	1.23	XXX
90281		I	Human ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90283		I	Human ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90287		I	Botulinum antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90288		I	Botulism ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90291		I	Cmv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90296		E	Diphtheria antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90371		E	Hep b ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90375		E	Rabies ig, im/sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90376		E	Rabies ig, heat treated	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90378		X	Rsv ig, im, 50mg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90379		I	Rsv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90384		I	Rh ig, full-dose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90385		E	Rh ig, minidose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90386		I	Rh ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90389		I	Tetanus ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90393		E	Vaccina ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90396		E	Varicella-zoster ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90399		I	Immune globulin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90471		A	Immunization admin	0.00	0.21	NA	0.01	0.22	NA	XXX
90472		A	Immunization admin, each add	0.00	0.14	NA	0.01	0.15	NA	ZZZ
90473		N	Immune admin oral/nasal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90474		N	Immune admin oral/nasal addl	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
90476		E	Adenovirus vaccine, type 4	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90477		E	Adenovirus vaccine, type 7	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90581		E	Anthrax vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90585		E	Bcg vaccine, percut	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90586		E	Bcg vaccine, intravesical	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90632		E	Hep a vaccine, adult im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90633		E	Hep a vacc, ped/adol, 2 dose	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90634		E	Hep a vacc, ped/adol, 3 dose	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90636		E	Hep a/hep b vacc, adult im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90645		E	Hib vaccine, hboc, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90646		E	Hib vaccine, prp-d, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90647		E	Hib vaccine, prp-omp, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90648		E	Hib vaccine, prp-t, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90655		X	Flu vaccine, 6-35 mo, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90657		X	Flu vaccine, 6-35 mo, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90658		X	Flu vaccine, 3 yrs, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90659		D	Flu vaccine, whole, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90660		X	Flu vaccine, nasal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90665		E	Lyme disease vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
90669		N	Pneumococcal vacc, ped <5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90675		E	Rabies vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90676		E	Rabies vaccine, id	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90680		E	Rotovirus vaccine, oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90690		E	Typhoid vaccine, oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90691		E	Typhoid vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90692		E	Typhoid vaccine, h-p, sc/id	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90693		E	Typhoid vaccine, akd, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90698		E	Dtap-hib-ip vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90700		E	Dtap vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90701		E	Dtp vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90702		E	Dt vaccine < 7, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90703		E	Tetanus vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90704		E	Mumps vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90705		E	Measles vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90706		E	Rubella vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90707		E	Mmr vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90708		E	Measles-rubella vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90710		E	Mmrv vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90712		E	Oral poliovirus vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90713		E	Poliovirus, ipv, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90715		E	Tdap vaccine >7 im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90716		E	Chicken pox vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90717		E	Yellow fever vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90718		E	Td vaccine > 7, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90719		E	Diphtheria vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90720		E	Dtp/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90721		E	Dtap/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90723		I	Dtap-hep b-ipv vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90725		E	Cholera vaccine, injectable	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90727		E	Plague vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90732		X	Pneumococcal vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90733		E	Meningococcal vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90734		E	Meningococcal vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90735		E	Encephalitis vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90740		X	Hepb vacc, ill pat 3 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90743		X	Hep b vacc, adol, 2 dose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90744		X	Hepb vacc ped/adol 3 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90746		X	Hep b vaccine, adult, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90747		X	Hepb vacc, ill pat 4 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90748		I	Hep b/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90749		E	Vaccine toxoid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90780		A	IV infusion therapy, 1 hour	0.17	2.15	NA	0.07	2.39	NA	XXX
90781		A	IV infusion, additional hour	0.17	0.46	NA	0.04	0.67	NA	ZZZ
90782		T	Injection, sc/im	0.17	0.32	NA	0.01	0.50	NA	XXX
90783		T	Injection, ia	0.17	0.32	NA	0.02	0.51	NA	XXX
90784		T	Injection, iv	0.17	0.80	NA	0.04	1.01	NA	XXX
90788		T	Injection of antibiotic	0.17	0.27	NA	0.01	0.45	NA	XXX
90799		C	Ther/prophylactic/dx inject	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90801		A	Psy dx interview	2.80	1.17	0.94	0.07	4.04	3.81	XXX
90802		A	Intac psy dx interview	3.01	1.20	0.98	0.08	4.29	4.07	XXX
90804		A	Psytx, office, 20-30 min	1.21	0.49	0.38	0.04	1.74	1.63	XXX
90805		A	Psytx, off, 20-30 min w/e&m	1.37	0.50	0.42	0.04	1.91	1.83	XXX
90806		A	Psytx, off, 45-50 min	1.86	0.70	0.60	0.05	2.61	2.51	XXX
90807		A	Psytx, off, 45-50 min w/e&m	2.02	0.70	0.63	0.06	2.78	2.71	XXX
90808		A	Psytx, office, 75-80 min	2.79	1.03	0.91	0.08	3.90	3.78	XXX
90809		A	Psytx, off, 75-80, w/e&m	2.95	1.00	0.92	0.08	4.03	3.95	XXX
90810		A	Intac psytx, off, 20-30 min	1.32	0.50	0.42	0.04	1.86	1.78	XXX
90811		A	Intac psytx, 20-30, w/e&m	1.48	0.57	0.46	0.04	2.09	1.98	XXX
90812		A	Intac psytx, off, 45-50 min	1.97	0.79	0.64	0.06	2.82	2.67	XXX
90813		A	Intac psytx, 45-50 min w/e&m	2.13	0.77	0.67	0.06	2.96	2.86	XXX
90814		A	Intac psytx, off, 75-80 min	2.90	1.11	0.99	0.08	4.09	3.97	XXX
90815		A	Intac psytx, 75-80 w/e&m	3.06	1.05	0.95	0.08	4.19	4.09	XXX
90816		A	Psytx, hosp, 20-30 min	1.25	NA	0.46	0.04	NA	1.75	XXX
90817		A	Psytx, hosp, 20-30 min w/e&m	1.41	NA	0.45	0.04	NA	1.90	XXX
90818		A	Psytx, hosp, 45-50 min	1.89	NA	0.69	0.05	NA	2.63	XXX
90819		A	Psytx, hosp, 45-50 min w/e&m	2.05	NA	0.65	0.06	NA	2.76	XXX
90821		A	Psytx, hosp, 75-80 min	2.83	NA	1.01	0.07	NA	3.91	XXX
90822		A	Psytx, hosp, 75-80 min w/e&m	2.99	NA	0.95	0.08	NA	4.02	XXX
90823		A	Intac psytx, hosp, 20-30 min	1.36	NA	0.48	0.04	NA	1.88	XXX
90824		A	Intac psytx, hsp 20-30 w/e&m	1.52	NA	0.49	0.04	NA	2.05	XXX
90826		A	Intac psytx, hosp, 45-50 min	2.01	NA	0.73	0.05	NA	2.79	XXX
90827		A	Intac psytx, hsp 45-50 w/e&m	2.16	NA	0.69	0.06	NA	2.91	XXX
90828		A	Intac psytx, hosp, 75-80 min	2.94	NA	1.07	0.08	NA	4.09	XXX
90829		A	Intac psytx, hsp 75-80 w/e&m	3.10	NA	0.99	0.08	NA	4.17	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
90845		A	Psychoanalysis	1.79	0.58	0.55	0.05	2.42	2.39	XXX
90846		R	Family psytx w/o patient	1.83	0.65	0.65	0.05	2.53	2.53	XXX
90847		R	Family psytx w/patient	2.21	0.82	0.76	0.06	3.09	3.03	XXX
90849		R	Multiple family group psytx	0.59	0.27	0.24	0.01	0.87	0.84	XXX
90853		A	Group psychotherapy	0.59	0.25	0.23	0.01	0.85	0.83	XXX
90857		A	Intac group psytx	0.63	0.30	0.26	0.02	0.95	0.91	XXX
90862		A	Medication management	0.95	0.40	0.32	0.02	1.37	1.29	XXX
90865		A	Narcosynthesis	2.84	1.59	0.89	0.08	4.51	3.81	XXX
90870		A	Electroconvulsive therapy	1.88	0.79	0.79	0.05	2.72	2.72	000
90871		N	Electroconvulsive therapy	+2.72	1.07	1.07	0.07	3.86	3.86	000
90875		N	Psychophysiological therapy	+1.20	0.90	0.46	0.04	2.14	1.70	XXX
90876		N	Psychophysiological therapy	+1.90	1.16	0.73	0.05	3.11	2.68	XXX
90880		A	Hypnotherapy	2.19	1.04	0.69	0.06	3.29	2.94	XXX
90882		N	Environmental manipulation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90885		B	Psy evaluation of records	+0.97	0.37	0.37	0.02	1.36	1.36	XXX
90887		B	Consultation with family	+1.48	0.82	0.56	0.04	2.34	2.08	XXX
90889		B	Preparation of report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90899		C	Psychiatric service/therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90901		A	Biofeedback train, any meth	0.41	0.66	0.14	0.02	1.09	0.57	000
90911		A	Biofeedback peri/uro/rectal	0.89	1.61	0.31	0.05	2.55	1.25	000
90918		I	ESRD related services, month	+11.16	7.34	7.34	0.36	18.86	18.86	XXX
90919		I	ESRD related services, month	+8.53	4.07	4.07	0.29	12.89	12.89	XXX
90920		I	ESRD related services, month	+7.26	3.81	3.81	0.23	11.30	11.30	XXX
90921		I	ESRD related services, month	+4.46	2.48	2.48	0.14	7.08	7.08	XXX
90922		I	ESRD related services, day	+0.37	0.22	0.22	0.01	0.60	0.60	XXX
90923		I	Esrd related services, day	+0.28	0.13	0.13	0.01	0.42	0.42	XXX
90924		I	Esrd related services, day	+0.24	0.12	0.12	0.01	0.37	0.37	XXX
90925		I	Esrd related services, day	+0.15	0.08	0.08	0.01	0.24	0.24	XXX
90935		A	Hemodialysis, one evaluation	1.22	NA	0.67	0.04	NA	1.93	000
90937		A	Hemodialysis, repeated eval	2.11	NA	0.98	0.07	NA	3.16	000
90939		X	Hemodialysis study, transcut	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90940		X	Hemodialysis access study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90945		A	Dialysis, one evaluation	1.28	NA	0.70	0.05	NA	2.03	000
90947		A	Dialysis, repeated eval	2.16	NA	1.01	0.07	NA	3.24	000
90989		X	Dialysis training, complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90993		X	Dialysis training, incompl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90997		A	Hemoperfusion	1.84	NA	1.41	0.06	NA	3.31	000
90999		C	Dialysis procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91000		A	Esophageal intubation	0.73	0.33	NA	0.05	1.11	NA	000
91000	26	A	Esophageal intubation	0.73	0.25	0.25	0.04	1.02	1.02	000
91000	TC	A	Esophageal intubation	0.00	0.08	NA	0.01	0.09	NA	000
91010		A	Esophagus motility study	1.25	2.71	NA	0.12	4.08	NA	000
91010	26	A	Esophagus motility study	1.25	0.43	0.43	0.06	1.74	1.74	000
91010	TC	A	Esophagus motility study	0.00	2.28	NA	0.06	2.34	NA	000
91011		A	Esophagus motility study	1.50	3.20	NA	0.12	4.82	NA	000
91011	26	A	Esophagus motility study	1.50	0.53	0.53	0.06	2.09	2.09	000
91011	TC	A	Esophagus motility study	0.00	2.67	NA	0.06	2.73	NA	000
91012		A	Esophagus motility study	1.46	3.34	NA	0.14	4.94	NA	000
91012	26	A	Esophagus motility study	1.46	0.51	0.51	0.07	2.04	2.04	000
91012	TC	A	Esophagus motility study	0.00	2.83	NA	0.07	2.90	NA	000
91020		A	Gastric motility	1.44	2.93	NA	0.13	4.50	NA	000
91020	26	A	Gastric motility	1.44	0.48	0.48	0.07	1.99	1.99	000
91020	TC	A	Gastric motility	0.00	2.45	NA	0.06	2.51	NA	000
91030		A	Acid perfusion of esophagus	0.91	2.40	NA	0.06	3.37	NA	000
91030	26	A	Acid perfusion of esophagus	0.91	0.33	0.33	0.04	1.28	1.28	000
91030	TC	A	Acid perfusion of esophagus	0.00	2.07	NA	0.02	2.09	NA	000
91032		A	Esophagus, acid reflux test	1.21	4.10	NA	0.12	5.43	NA	000
91032	26	A	Esophagus, acid reflux test	1.21	0.41	0.41	0.06	1.68	1.68	000
91032	TC	A	Esophagus, acid reflux test	0.00	3.69	NA	0.06	3.75	NA	000
91033		A	Prolonged acid reflux test	1.30	4.16	NA	0.17	5.63	NA	000
91033	26	A	Prolonged acid reflux test	1.30	0.45	0.45	0.06	1.81	1.81	000
91033	TC	A	Prolonged acid reflux test	0.00	3.71	NA	0.11	3.82	NA	000
91052		A	Gastric analysis test	0.79	2.19	NA	0.06	3.04	NA	000
91052	26	A	Gastric analysis test	0.79	0.28	0.28	0.04	1.11	1.11	000
91052	TC	A	Gastric analysis test	0.00	1.91	NA	0.02	1.93	NA	000
91055		A	Gastric intubation for smear	0.94	2.37	NA	0.07	3.38	NA	000
91055	26	A	Gastric intubation for smear	0.94	0.27	0.27	0.05	1.26	1.26	000
91055	TC	A	Gastric intubation for smear	0.00	2.10	NA	0.02	2.12	NA	000
91060		A	Gastric saline load test	0.45	0.30	NA	0.04	0.79	NA	000
91060	26	A	Gastric saline load test	0.45	0.14	0.14	0.02	0.61	0.61	000
91060	TC	A	Gastric saline load test	0.00	0.16	NA	0.02	0.18	NA	000
91065		A	Breath hydrogen test	0.20	1.96	NA	0.03	2.19	NA	000
91065	26	A	Breath hydrogen test	0.20	0.07	0.07	0.01	0.28	0.28	000
91065	TC	A	Breath hydrogen test	0.00	1.89	NA	0.02	1.91	NA	000
91100		A	Pass intestine bleeding tube	1.08	NA	0.29	0.07	NA	1.44	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
91105		A	Gastric intubation treatment	0.37	NA	0.09	0.02	NA	0.48	000
91110		A	Gi tract capsule endoscopy	3.64	21.13	NA	0.09	24.86	NA	XXX
91110	26	A	Gi tract capsule endoscopy	3.64	1.30	1.30	0.02	4.96	4.96	XXX
91110	TC	A	Gi tract capsule endoscopy	0.00	19.83	NA	0.07	19.90	NA	XXX
91122		A	Anal pressure record	1.77	6.06	NA	0.20	8.03	NA	000
91122	26	A	Anal pressure record	1.77	0.60	0.60	0.12	2.49	2.49	000
91122	TC	A	Anal pressure record	0.00	5.46	NA	0.08	5.54	NA	000
91123		B	Irrigate fecal impaction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91132		C	Electrogastrography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91132	26	A	Electrogastrography	0.52	0.19	0.19	0.04	0.75	0.75	XXX
91132	TC	C	Electrogastrography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91133		C	Electrogastrography w/test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91133	26	A	Electrogastrography w/test	0.66	0.24	0.24	0.04	0.94	0.94	XXX
91133	TC	C	Electrogastrography w/test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299		C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	26	C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	TC	C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92002		A	Eye exam, new patient	0.88	0.96	0.35	0.02	1.86	1.25	XXX
92004		A	Eye exam, new patient	1.67	1.68	0.68	0.04	3.39	2.39	XXX
92012		A	Eye exam established pat	0.67	1.02	0.29	0.01	1.70	0.97	XXX
92014		A	Eye exam & treatment	1.10	1.38	0.46	0.02	2.50	1.58	XXX
92015		N	Refraction	+0.38	1.49	0.15	0.01	1.88	0.54	XXX
92018		A	New eye exam & treatment	2.50	NA	1.08	0.04	NA	3.62	XXX
92019		A	Eye exam & treatment	1.31	NA	0.56	0.04	NA	1.91	XXX
92020		A	Special eye evaluation	0.37	0.33	0.16	0.01	0.71	0.54	XXX
92060		A	Special eye evaluation	0.69	0.72	NA	0.02	1.43	NA	XXX
92060	26	A	Special eye evaluation	0.69	0.29	0.29	0.01	0.99	0.99	XXX
92060	TC	A	Special eye evaluation	0.00	0.43	NA	0.01	0.44	NA	XXX
92065		A	Orthoptic/pleoptic training	0.37	0.54	NA	0.02	0.93	NA	XXX
92065	26	A	Orthoptic/pleoptic training	0.37	0.15	0.15	0.01	0.53	0.53	XXX
92065	TC	A	Orthoptic/pleoptic training	0.00	0.39	NA	0.01	0.40	NA	XXX
92070		A	Fitting of contact lens	0.70	1.08	0.32	0.01	1.79	1.03	XXX
92081		A	Visual field examination(s)	0.36	0.85	NA	0.02	1.23	NA	XXX
92081	26	A	Visual field examination(s)	0.36	0.15	0.15	0.01	0.52	0.52	XXX
92081	TC	A	Visual field examination(s)	0.00	0.70	NA	0.01	0.71	NA	XXX
92082		A	Visual field examination(s)	0.44	1.15	NA	0.02	1.61	NA	XXX
92082	26	A	Visual field examination(s)	0.44	0.19	0.19	0.01	0.64	0.64	XXX
92082	TC	A	Visual field examination(s)	0.00	0.96	NA	0.01	0.97	NA	XXX
92083		A	Visual field examination(s)	0.50	1.33	NA	0.02	1.85	NA	XXX
92083	26	A	Visual field examination(s)	0.50	0.22	0.22	0.01	0.73	0.73	XXX
92083	TC	A	Visual field examination(s)	0.00	1.11	NA	0.01	1.12	NA	XXX
92100		A	Serial tonometry exam(s)	0.92	1.26	0.37	0.02	2.20	1.31	XXX
92120		A	Tonography & eye evaluation	0.81	1.04	0.32	0.02	1.87	1.15	XXX
92130		A	Water provocation tonography	0.81	1.23	0.37	0.02	2.06	1.20	XXX
92135		A	Opthalmic dx imaging	0.35	0.78	NA	0.02	1.15	NA	XXX
92135	26	A	Opthalmic dx imaging	0.35	0.16	0.16	0.01	0.52	0.52	XXX
92135	TC	A	Opthalmic dx imaging	0.00	0.62	NA	0.01	0.63	NA	XXX
92136		A	Ophthalmic biometry	0.54	1.75	NA	0.08	2.37	NA	XXX
92136	26	A	Ophthalmic biometry	0.54	0.25	0.25	0.01	0.80	0.80	XXX
92136	TC	A	Ophthalmic biometry	0.00	1.50	NA	0.07	1.57	NA	XXX
92140		A	Glaucoma provocative tests	0.50	0.94	0.21	0.01	1.45	0.72	XXX
92225		A	Special eye exam, initial	0.38	0.22	0.16	0.01	0.61	0.55	XXX
92226		A	Special eye exam, subsequent	0.33	0.21	0.15	0.01	0.55	0.49	XXX
92230		A	Eye exam with photos	0.60	1.67	0.20	0.02	2.29	0.82	XXX
92235		A	Eye exam with photos	0.81	2.93	NA	0.08	3.82	NA	XXX
92235	26	A	Eye exam with photos	0.81	0.37	0.37	0.02	1.20	1.20	XXX
92235	TC	A	Eye exam with photos	0.00	2.56	NA	0.06	2.62	NA	XXX
92240		A	Icg angiography	1.10	7.03	NA	0.08	8.21	NA	XXX
92240	26	A	Icg angiography	1.10	0.49	0.49	0.02	1.61	1.61	XXX
92240	TC	A	Icg angiography	0.00	6.54	NA	0.06	6.60	NA	XXX
92250		A	Eye exam with photos	0.44	1.73	NA	0.02	2.19	NA	XXX
92250	26	A	Eye exam with photos	0.44	0.20	0.20	0.01	0.65	0.65	XXX
92250	TC	A	Eye exam with photos	0.00	1.53	NA	0.01	1.54	NA	XXX
92260		A	Ophthalmoscopy/dynamometry	0.20	0.29	0.09	0.01	0.50	0.30	XXX
92265		A	Eye muscle evaluation	0.81	1.88	NA	0.04	2.73	NA	XXX
92265	26	A	Eye muscle evaluation	0.81	0.28	0.28	0.02	1.11	1.11	XXX
92265	TC	A	Eye muscle evaluation	0.00	1.60	NA	0.02	1.62	NA	XXX
92270		A	Electro-oculography	0.81	1.56	NA	0.06	2.43	NA	XXX
92270	26	A	Electro-oculography	0.81	0.34	0.34	0.04	1.19	1.19	XXX
92270	TC	A	Electro-oculography	0.00	1.22	NA	0.02	1.24	NA	XXX
92275		A	Electroretinography	1.01	1.93	NA	0.04	2.98	NA	XXX
92275	26	A	Electroretinography	1.01	0.42	0.42	0.02	1.45	1.45	XXX
92275	TC	A	Electroretinography	0.00	1.51	NA	0.02	1.53	NA	XXX
92283		A	Color vision examination	0.17	0.83	NA	0.02	1.02	NA	XXX
92283	26	A	Color vision examination	0.17	0.07	0.07	0.01	0.25	0.25	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
92283	TC	A	Color vision examination	0.00	0.76	NA	0.01	0.77	NA	XXX
92284		A	Dark adaptation eye exam	0.24	2.31	NA	0.02	2.57	NA	XXX
92284	26	A	Dark adaptation eye exam	0.24	0.09	0.09	0.01	0.34	0.34	XXX
92284	TC	A	Dark adaptation eye exam	0.00	2.22	NA	0.01	2.23	NA	XXX
92285		A	Eye photography	0.20	1.07	NA	0.02	1.29	NA	XXX
92285	26	A	Eye photography	0.20	0.09	0.09	0.01	0.30	0.30	XXX
92285	TC	A	Eye photography	0.00	0.98	NA	0.01	0.99	NA	XXX
92286		A	Internal eye photography	0.66	3.37	NA	0.03	4.06	NA	XXX
92286	26	A	Internal eye photography	0.66	0.30	0.30	0.01	0.97	0.97	XXX
92286	TC	A	Internal eye photography	0.00	3.07	NA	0.02	3.09	NA	XXX
92287		A	Internal eye photography	0.81	2.69	0.31	0.02	3.52	1.14	XXX
92310		N	Contact lens fitting	+1.17	1.12	0.45	0.04	2.33	1.66	XXX
92311		A	Contact lens fitting	1.08	1.18	0.35	0.04	2.30	1.47	XXX
92312		A	Contact lens fitting	1.26	1.16	0.49	0.04	2.46	1.79	XXX
92313		A	Contact lens fitting	0.92	1.16	0.29	0.02	2.10	1.23	XXX
92314		N	Prescription of contact lens	+0.69	0.94	0.27	0.01	1.64	0.97	XXX
92315		A	Prescription of contact lens	0.45	0.95	0.16	0.01	1.41	0.62	XXX
92316		A	Prescription of contact lens	0.68	1.00	0.30	0.01	1.69	0.99	XXX
92317		A	Prescription of contact lens	0.45	1.05	0.15	0.01	1.51	0.61	XXX
92325		A	Modification of contact lens	0.00	0.39	NA	0.01	0.40	NA	XXX
92326		A	Replacement of contact lens	0.00	1.64	NA	0.06	1.70	NA	XXX
92330		A	Fitting of artificial eye	1.08	1.08	0.33	0.05	2.21	1.46	XXX
92335		A	Fitting of artificial eye	0.45	1.01	0.17	0.01	1.47	0.63	XXX
92340		N	Fitting of spectacles	+0.37	0.70	0.14	0.01	1.08	0.52	XXX
92341		N	Fitting of spectacles	+0.47	0.74	0.18	0.01	1.22	0.66	XXX
92342		N	Fitting of spectacles	+0.53	0.76	0.21	0.01	1.30	0.75	XXX
92352		B	Special spectacles fitting	+0.37	0.73	0.14	0.01	1.11	0.52	XXX
92353		B	Special spectacles fitting	+0.50	0.78	0.19	0.02	1.30	0.71	XXX
92354		B	Special spectacles fitting	+0.00	8.89	NA	0.10	8.99	NA	XXX
92355		B	Special spectacles fitting	+0.00	4.34	NA	0.01	4.35	NA	XXX
92358		B	Eye prosthesis service	+0.00	0.97	NA	0.05	1.02	NA	XXX
92370		N	Repair & adjust spectacles	+0.32	0.55	0.13	0.02	0.89	0.47	XXX
92371		B	Repair & adjust spectacles	+0.00	0.62	NA	0.02	0.64	NA	XXX
92390		N	Supply of spectacles	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92391		N	Supply of contact lenses	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92392		I	Supply of low vision aids	+0.00	3.79	3.79	0.02	3.81	3.81	XXX
92393		I	Supply of artificial eye	+0.00	11.76	11.76	0.57	12.33	12.33	XXX
92395		I	Supply of spectacles	+0.00	1.28	1.28	0.10	1.38	1.38	XXX
92396		I	Supply of contact lenses	+0.00	2.16	2.16	0.07	2.23	2.23	XXX
92499		C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92499	26	C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92499	TC	C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92502		A	Ear and throat examination	1.51	NA	1.13	0.07	NA	2.71	000
92504		A	Ear microscopy examination	0.18	0.49	0.09	0.01	0.68	0.28	XXX
92506		A	Speech/hearing evaluation	0.86	2.61	0.40	0.05	3.52	1.31	XXX
92507		A	Speech/hearing therapy	0.52	1.13	0.24	0.02	1.67	0.78	XXX
92508		A	Speech/hearing therapy	0.26	0.52	0.12	0.01	0.79	0.39	XXX
92510		I	Rehab for ear implant	+1.50	2.08	0.82	0.07	3.65	2.39	XXX
92511		A	Nasopharyngoscopy	0.84	3.14	0.79	0.04	4.02	1.67	000
92512		A	Nasal function studies	0.55	1.08	0.18	0.02	1.65	0.75	XXX
92516		A	Facial nerve function test	0.43	0.89	0.22	0.02	1.34	0.67	XXX
92520		A	Laryngeal function studies	0.76	0.50	0.38	0.04	1.30	1.18	XXX
92526		A	Oral function therapy	0.55	1.66	0.20	0.02	2.23	0.77	XXX
92531		B	Spontaneous nystagmus study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92532		B	Positional nystagmus test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92533		B	Caloric vestibular test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92534		B	Optokinetic nystagmus test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92541		A	Spontaneous nystagmus test	0.40	0.97	NA	0.04	1.41	NA	XXX
92541	26	A	Spontaneous nystagmus test	0.40	0.19	0.19	0.02	0.61	0.61	XXX
92541	TC	A	Spontaneous nystagmus test	0.00	0.78	NA	0.02	0.80	NA	XXX
92542		A	Positional nystagmus test	0.33	1.06	NA	0.03	1.42	NA	XXX
92542	26	A	Positional nystagmus test	0.33	0.16	0.16	0.01	0.50	0.50	XXX
92542	TC	A	Positional nystagmus test	0.00	0.90	NA	0.02	0.92	NA	XXX
92543		A	Caloric vestibular test	0.10	0.53	NA	0.02	0.65	NA	XXX
92543	26	A	Caloric vestibular test	0.10	0.05	0.05	0.01	0.16	0.16	XXX
92543	TC	A	Caloric vestibular test	0.00	0.48	NA	0.01	0.49	NA	XXX
92544		A	Optokinetic nystagmus test	0.26	0.84	NA	0.03	1.13	NA	XXX
92544	26	A	Optokinetic nystagmus test	0.26	0.12	0.12	0.01	0.39	0.39	XXX
92544	TC	A	Optokinetic nystagmus test	0.00	0.72	NA	0.02	0.74	NA	XXX
92545		A	Oscillating tracking test	0.23	0.79	NA	0.03	1.05	NA	XXX
92545	26	A	Oscillating tracking test	0.23	0.11	0.11	0.01	0.35	0.35	XXX
92545	TC	A	Oscillating tracking test	0.00	0.68	NA	0.02	0.70	NA	XXX
92546		A	Sinusoidal rotational test	0.29	1.80	NA	0.03	2.12	NA	XXX
92546	26	A	Sinusoidal rotational test	0.29	0.13	0.13	0.01	0.43	0.43	XXX
92546	TC	A	Sinusoidal rotational test	0.00	1.67	NA	0.02	1.69	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
92547		A	Supplemental electrical test	0.00	1.15	NA	0.06	1.21	NA	ZZZ
92548		A	Posturography	0.50	3.19	NA	0.15	3.84	NA	XXX
92548	26	A	Posturography	0.50	0.26	0.26	0.02	0.78	0.78	XXX
92548	TC	A	Posturography	0.00	2.93	NA	0.13	3.06	NA	XXX
92551		N	Pure tone hearing test, air	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92552		A	Pure tone audiometry, air	0.00	0.44	NA	0.04	0.48	NA	XXX
92553		A	Audiometry, air & bone	0.00	0.66	NA	0.06	0.72	NA	XXX
92555		A	Speech threshold audiometry	0.00	0.37	NA	0.04	0.41	NA	XXX
92556		A	Speech audiometry, complete	0.00	0.57	NA	0.06	0.63	NA	XXX
92557		A	Comprehensive hearing test	0.00	1.19	NA	0.12	1.31	NA	XXX
92559		N	Group audiometric testing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92560		N	Bekesy audiometry, screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92561		A	Bekesy audiometry, diagnosis	0.00	0.72	NA	0.06	0.78	NA	XXX
92562		A	Loudness balance test	0.00	0.40	NA	0.04	0.44	NA	XXX
92563		A	Tone decay hearing test	0.00	0.37	NA	0.04	0.41	NA	XXX
92564		A	Sisi hearing test	0.00	0.47	NA	0.05	0.52	NA	XXX
92565		A	Stenger test, pure tone	0.00	0.39	NA	0.04	0.43	NA	XXX
92567		A	Tympanometry	0.00	0.52	NA	0.06	0.58	NA	XXX
92568		A	Acoustic reflex testing	0.00	0.37	NA	0.04	0.41	NA	XXX
92569		A	Acoustic reflex decay test	0.00	0.40	NA	0.04	0.44	NA	XXX
92571		A	Filtered speech hearing test	0.00	0.38	NA	0.04	0.42	NA	XXX
92572		A	Staggered spondaic word test	0.00	0.09	NA	0.01	0.10	NA	XXX
92573		A	Lombard test	0.00	0.35	NA	0.04	0.39	NA	XXX
92575		A	Sensorineural acuity test	0.00	0.30	NA	0.02	0.32	NA	XXX
92576		A	Synthetic sentence test	0.00	0.44	NA	0.05	0.49	NA	XXX
92577		A	Stenger test, speech	0.00	0.72	NA	0.07	0.79	NA	XXX
92579		A	Visual audiometry (vra)	0.00	0.73	NA	0.06	0.79	NA	XXX
92582		A	Conditioning play audiometry	0.00	0.73	NA	0.06	0.79	NA	XXX
92583		A	Select picture audiometry	0.00	0.89	NA	0.08	0.97	NA	XXX
92584		A	Electrocochleography	0.00	2.49	NA	0.21	2.70	NA	XXX
92585		A	Auditor evoke potent, compre	0.50	2.08	NA	0.16	2.74	NA	XXX
92585	26	A	Auditor evoke potent, compre	0.50	0.22	0.22	0.02	0.74	0.74	XXX
92585	TC	A	Auditor evoke potent, compre	0.00	1.86	NA	0.14	2.00	NA	XXX
92586		A	Auditor evoke potent, limit	0.00	1.86	NA	0.14	2.00	NA	XXX
92587		A	Evoked auditory test	0.13	1.38	NA	0.12	1.63	NA	XXX
92587	26	A	Evoked auditory test	0.13	0.07	0.07	0.01	0.21	0.21	XXX
92587	TC	A	Evoked auditory test	0.00	1.31	NA	0.11	1.42	NA	XXX
92588		A	Evoked auditory test	0.36	1.64	NA	0.14	2.14	NA	XXX
92588	26	A	Evoked auditory test	0.36	0.17	0.17	0.01	0.54	0.54	XXX
92588	TC	A	Evoked auditory test	0.00	1.47	NA	0.13	1.60	NA	XXX
92589		A	Auditory function test(s)	0.00	0.53	NA	0.06	0.59	NA	XXX
92590		N	Hearing aid exam, one ear	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92591		N	Hearing aid exam, both ears	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92592		N	Hearing aid check, one ear	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92593		N	Hearing aid check, both ears	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92594		N	Electro hearng aid test, one	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92595		N	Electro hearng aid tst, both	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92596		A	Ear protector evaluation	0.00	0.59	NA	0.06	0.65	NA	XXX
92597		A	Oral speech device eval	0.86	1.69	0.45	0.05	2.60	1.36	XXX
92601		A	Cochlear implt f/up exam < 7	0.00	3.41	NA	0.07	3.48	NA	XXX
92602		A	Reprogram cochlear implt < 7	0.00	2.36	NA	0.07	2.43	NA	XXX
92603		A	Cochlear implt f/up exam 7 >	0.00	2.23	NA	0.07	2.30	NA	XXX
92604		A	Reprogram cochlear implt 7 >	0.00	1.47	NA	0.07	1.54	NA	XXX
92605		B	Eval for nonspeech device rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92606		B	Non-speech device service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92607		A	Ex for speech device rx, 1hr	0.00	3.22	NA	0.05	3.27	NA	XXX
92608		A	Ex for speech device rx addl	0.00	0.67	NA	0.05	0.72	NA	XXX
92609		A	Use of speech device service	0.00	1.60	NA	0.04	1.64	NA	XXX
92610		A	Evaluate swallowing function	0.00	3.44	NA	0.08	3.52	NA	XXX
92611		A	Motion fluoroscopy/swallow	0.00	3.44	NA	0.08	3.52	NA	XXX
92612		A	Endoscopy swallow tst (fees)	1.27	2.71	0.67	0.08	4.06	2.02	XXX
92613		A	Endoscopy swallow tst (fees)	0.71	0.39	0.39	0.05	1.15	1.15	XXX
92614		A	Laryngoscopic sensory test	1.27	2.41	0.61	0.08	3.76	1.96	XXX
92615		A	Eval laryngoscopy sense tst	0.63	0.36	0.36	0.05	1.04	1.04	XXX
92616		A	Fees w/laryngeal sense test	1.88	3.29	0.97	0.08	5.25	2.93	XXX
92617		A	Interprt fees/laryngeal test	0.79	0.44	0.44	0.05	1.28	1.28	XXX
92700		C	Ent procedure/service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92950		A	Heart/lung resuscitation cpr	3.79	NA	0.98	0.25	NA	5.02	000
92953		A	Temporary external pacing	0.23	NA	0.23	0.01	NA	0.47	000
92960		A	Cardioversion electric, ext	2.25	6.66	1.17	0.10	9.01	3.52	000
92961		A	Cardioversion, electric, int	4.59	NA	2.09	0.21	NA	6.89	000
92970		A	Cardioassist, internal	3.51	NA	1.07	0.21	NA	4.79	000
92971		A	Cardioassist, external	1.77	NA	0.85	0.07	NA	2.69	000
92973		A	Percut coronary thrombectomy	3.28	NA	1.29	0.14	NA	4.71	ZZZ
92974		A	Cath place, cardio brachytx	3.00	NA	1.18	0.17	NA	4.35	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
92975		A	Dissolve clot, heart vessel	7.24	NA	2.81	0.27	NA	10.32	000
92977		A	Dissolve clot, heart vessel	0.00	8.08	NA	0.46	8.54	NA	XXX
92978		A	Intravasc us, heart add-on	1.80	5.29	NA	0.31	7.40	NA	ZZZ
92978	26	A	Intravasc us, heart add-on	1.80	0.71	0.71	0.07	2.58	2.58	ZZZ
92978	TC	A	Intravasc us, heart add-on	0.00	4.58	NA	0.24	4.82	NA	ZZZ
92979		A	Intravasc us, heart add-on	1.44	2.86	NA	0.18	4.48	NA	ZZZ
92979	26	A	Intravasc us, heart add-on	1.44	0.56	0.56	0.05	2.05	2.05	ZZZ
92979	TC	A	Intravasc us, heart add-on	0.00	2.30	NA	0.13	2.43	NA	ZZZ
92980		A	Insert intracoronary stent	14.82	NA	6.07	0.86	NA	21.75	000
92981		A	Insert intracoronary stent	4.16	NA	1.64	0.24	NA	6.04	ZZZ
92982		A	Coronary artery dilation	10.96	NA	4.55	0.63	NA	16.14	000
92984		A	Coronary artery dilation	2.97	NA	1.16	0.17	NA	4.30	ZZZ
92986		A	Revision of aortic valve	21.77	NA	11.62	1.37	NA	34.76	090
92987		A	Revision of mitral valve	22.67	NA	12.01	1.42	NA	36.10	090
92990		A	Revision of pulmonary valve	17.31	NA	9.63	1.09	NA	28.03	090
92992		C	Revision of heart chamber	0.00	0.00	0.00	0.00	0.00	0.00	090
92993		C	Revision of heart chamber	0.00	0.00	0.00	0.00	0.00	0.00	090
92995		A	Coronary atherectomy	12.07	NA	4.98	0.70	NA	17.75	000
92996		A	Coronary atherectomy add-on	3.26	NA	1.28	0.19	NA	4.73	ZZZ
92997		A	Pul art balloon repr, percut	11.98	NA	4.85	0.76	NA	17.59	000
92998		A	Pul art balloon repr, percut	5.99	NA	2.21	0.37	NA	8.57	ZZZ
93000		A	Electrocardiogram, complete	0.17	0.51	NA	0.03	0.71	NA	XXX
93005		A	Electrocardiogram, tracing	0.00	0.45	NA	0.02	0.47	NA	XXX
93010		A	Electrocardiogram report	0.17	0.06	0.06	0.01	0.24	0.24	XXX
93012		A	Transmission of ecg	0.00	6.04	NA	0.18	6.22	NA	XXX
93014		A	Report on transmitted ecg	0.52	0.19	0.19	0.02	0.73	0.73	XXX
93015		A	Cardiovascular stress test	0.75	1.98	NA	0.13	2.86	NA	XXX
93016		A	Cardiovascular stress test	0.45	0.17	0.17	0.01	0.63	0.63	XXX
93017		A	Cardiovascular stress test	0.00	1.69	NA	0.11	1.80	NA	XXX
93018		A	Cardiovascular stress test	0.30	0.12	0.12	0.01	0.43	0.43	XXX
93024		A	Cardiac drug stress test	1.17	1.57	NA	0.13	2.87	NA	XXX
93024	26	A	Cardiac drug stress test	1.17	0.45	0.45	0.05	1.67	1.67	XXX
93024	TC	A	Cardiac drug stress test	0.00	1.12	NA	0.08	1.20	NA	XXX
93025		A	Microvolt t-wave assess	0.75	8.18	NA	0.13	9.06	NA	XXX
93025	26	A	Microvolt t-wave assess	0.75	0.29	0.29	0.02	1.06	1.06	XXX
93025	TC	A	Microvolt t-wave assess	0.00	7.89	NA	0.11	8.00	NA	XXX
93040		A	Rhythm ECG with report	0.16	0.20	NA	0.02	0.38	NA	XXX
93041		A	Rhythm ECG, tracing	0.00	0.15	NA	0.01	0.16	NA	XXX
93042		A	Rhythm ECG, report	0.16	0.05	0.05	0.01	0.22	0.22	XXX
93224		A	ECG monitor/report, 24 hrs	0.52	3.63	NA	0.24	4.39	NA	XXX
93225		A	ECG monitor/record, 24 hrs	0.00	1.24	NA	0.08	1.32	NA	XXX
93226		A	ECG monitor/report, 24 hrs	0.00	2.19	NA	0.14	2.33	NA	XXX
93227		A	ECG monitor/review, 24 hrs	0.52	0.20	0.20	0.02	0.74	0.74	XXX
93230		A	ECG monitor/report, 24 hrs	0.52	3.90	NA	0.26	4.68	NA	XXX
93231		A	Ecg monitor/record, 24 hrs	0.00	1.52	NA	0.11	1.63	NA	XXX
93232		A	ECG monitor/report, 24 hrs	0.00	2.18	NA	0.13	2.31	NA	XXX
93233		A	ECG monitor/review, 24 hrs	0.52	0.20	0.20	0.02	0.74	0.74	XXX
93235		A	ECG monitor/report, 24 hrs	0.45	2.79	NA	0.15	3.39	NA	XXX
93236		A	ECG monitor/report, 24 hrs	0.00	2.62	NA	0.14	2.76	NA	XXX
93237		A	ECG monitor/review, 24 hrs	0.45	0.17	0.17	0.01	0.63	0.63	XXX
93268		A	ECG record/review	0.52	7.47	NA	0.28	8.27	NA	XXX
93270		A	ECG recording	0.00	1.24	NA	0.08	1.32	NA	XXX
93271		A	Ecg/monitoring and analysis	0.00	6.04	NA	0.18	6.22	NA	XXX
93272		A	Ecg/review, interpret only	0.52	0.19	0.19	0.02	0.73	0.73	XXX
93278		A	ECG/signal-averaged	0.25	1.25	NA	0.12	1.62	NA	XXX
93278	26	A	ECG/signal-averaged	0.25	0.10	0.10	0.01	0.36	0.36	XXX
93278	TC	A	ECG/signal-averaged	0.00	1.15	NA	0.11	1.26	NA	XXX
93303		A	Echo transthoracic	1.30	4.35	NA	0.28	5.93	NA	XXX
93303	26	A	Echo transthoracic	1.30	0.48	0.48	0.05	1.83	1.83	XXX
93303	TC	A	Echo transthoracic	0.00	3.87	NA	0.23	4.10	NA	XXX
93304		A	Echo transthoracic	0.75	2.23	NA	0.15	3.13	NA	XXX
93304	26	A	Echo transthoracic	0.75	0.28	0.28	0.02	1.05	1.05	XXX
93304	TC	A	Echo transthoracic	0.00	1.95	NA	0.13	2.08	NA	XXX
93307		A	Echo exam of heart	0.92	4.23	NA	0.27	5.42	NA	XXX
93307	26	A	Echo exam of heart	0.92	0.36	0.36	0.04	1.32	1.32	XXX
93307	TC	A	Echo exam of heart	0.00	3.87	NA	0.23	4.10	NA	XXX
93308		A	Echo exam of heart	0.53	2.16	NA	0.15	2.84	NA	XXX
93308	26	A	Echo exam of heart	0.53	0.21	0.21	0.02	0.76	0.76	XXX
93308	TC	A	Echo exam of heart	0.00	1.95	NA	0.13	2.08	NA	XXX
93312		A	Echo transesophageal	2.20	4.58	NA	0.39	7.17	NA	XXX
93312	26	A	Echo transesophageal	2.20	0.79	0.79	0.10	3.09	3.09	XXX
93312	TC	A	Echo transesophageal	0.00	3.79	NA	0.29	4.08	NA	XXX
93313		A	Echo transesophageal	0.95	NA	0.21	0.06	NA	1.22	XXX
93314		A	Echo transesophageal	1.25	4.26	NA	0.34	5.85	NA	XXX
93314	26	A	Echo transesophageal	1.25	0.47	0.47	0.05	1.77	1.77	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
93314	TC	A	Echo transesophageal	0.00	3.79	NA	0.29	4.08	NA	XXX
93315		C	Echo transesophageal	0.00	0.00	NA	0.00	0.00	NA	XXX
93315	26	A	Echo transesophageal	2.78	1.02	1.02	0.12	3.92	3.92	XXX
93315	TC	C	Echo transesophageal	0.00	0.00	NA	0.00	0.00	NA	XXX
93316		A	Echo transesophageal	0.95	NA	0.24	0.06	NA	1.25	XXX
93317		C	Echo transesophageal	0.00	0.00	NA	0.00	0.00	NA	XXX
93317	26	A	Echo transesophageal	1.83	0.67	0.67	0.07	2.57	2.57	XXX
93317	TC	C	Echo transesophageal	0.00	0.00	NA	0.00	0.00	NA	XXX
93318		C	Echo transesophageal intraop	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93318	26	A	Echo transesophageal intraop	2.20	0.47	0.47	0.07	2.74	2.74	XXX
93318	TC	C	Echo transesophageal intraop	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93320		A	Doppler echo exam, heart	0.38	1.87	NA	0.13	2.38	NA	ZZZ
93320	26	A	Doppler echo exam, heart	0.38	0.15	0.15	0.01	0.54	0.54	ZZZ
93320	TC	A	Doppler echo exam, heart	0.00	1.72	NA	0.12	1.84	NA	ZZZ
93321		A	Doppler echo exam, heart	0.15	1.18	NA	0.09	1.42	NA	ZZZ
93321	26	A	Doppler echo exam, heart	0.15	0.06	0.06	0.01	0.22	0.22	ZZZ
93321	TC	A	Doppler echo exam, heart	0.00	1.12	NA	0.08	1.20	NA	ZZZ
93325		A	Doppler color flow add-on	0.07	2.94	NA	0.22	3.23	NA	ZZZ
93325	26	A	Doppler color flow add-on	0.07	0.03	0.03	0.01	0.11	0.11	ZZZ
93325	TC	A	Doppler color flow add-on	0.00	2.91	NA	0.21	3.12	NA	ZZZ
93350		A	Echo transthoracic	1.48	2.34	NA	0.15	3.97	NA	XXX
93350	26	A	Echo transthoracic	1.48	0.57	0.57	0.02	2.07	2.07	XXX
93350	TC	A	Echo transthoracic	0.00	1.77	NA	0.13	1.90	NA	XXX
93501		A	Right heart catheterization	3.02	18.11	NA	1.24	22.37	NA	000
93501	26	A	Right heart catheterization	3.02	1.15	1.15	0.19	4.36	4.36	000
93501	TC	A	Right heart catheterization	0.00	16.96	NA	1.05	18.01	NA	000
93503		A	Insert/place heart catheter	2.91	NA	0.68	0.19	NA	3.78	000
93505		A	Biopsy of heart lining	4.37	3.68	NA	0.44	8.49	NA	000
93505	26	A	Biopsy of heart lining	4.37	1.69	1.69	0.28	6.34	6.34	000
93505	TC	A	Biopsy of heart lining	0.00	1.99	NA	0.16	2.15	NA	000
93508		A	Cath placement, angiography	4.09	14.73	NA	0.90	19.72	NA	000
93508	26	A	Cath placement, angiography	4.09	2.09	2.09	0.25	6.43	6.43	000
93508	TC	A	Cath placement, angiography	0.00	12.64	NA	0.65	13.29	NA	000
93510		A	Left heart catheterization	4.32	39.26	NA	2.57	46.15	NA	000
93510	26	A	Left heart catheterization	4.32	2.18	2.18	0.27	6.77	6.77	000
93510	TC	A	Left heart catheterization	0.00	37.08	NA	2.30	39.38	NA	000
93511		A	Left heart catheterization	5.02	38.55	NA	2.54	46.11	NA	000
93511	26	A	Left heart catheterization	5.02	2.45	2.45	0.31	7.78	7.78	000
93511	TC	A	Left heart catheterization	0.00	36.10	NA	2.23	38.33	NA	000
93514		A	Left heart catheterization	7.04	39.24	NA	2.68	48.96	NA	000
93514	26	A	Left heart catheterization	7.04	3.14	3.14	0.45	10.63	10.63	000
93514	TC	A	Left heart catheterization	0.00	36.10	NA	2.23	38.33	NA	000
93524		A	Left heart catheterization	6.94	50.36	NA	3.36	60.66	NA	000
93524	26	A	Left heart catheterization	6.94	3.19	3.19	0.43	10.56	10.56	000
93524	TC	A	Left heart catheterization	0.00	47.17	NA	2.93	50.10	NA	000
93526		A	Rt & Lt heart catheters	5.98	51.28	NA	3.39	60.65	NA	000
93526	26	A	Rt & Lt heart catheters	5.98	2.82	2.82	0.37	9.17	9.17	000
93526	TC	A	Rt & Lt heart catheters	0.00	48.46	NA	3.02	51.48	NA	000
93527		A	Rt & Lt heart catheters	7.27	50.50	NA	3.39	61.16	NA	000
93527	26	A	Rt & Lt heart catheters	7.27	3.33	3.33	0.46	11.06	11.06	000
93527	TC	A	Rt & Lt heart catheters	0.00	47.17	NA	2.93	50.10	NA	000
93528		A	Rt & Lt heart catheters	8.99	51.22	NA	3.50	63.71	NA	000
93528	26	A	Rt & Lt heart catheters	8.99	4.05	4.05	0.57	13.61	13.61	000
93528	TC	A	Rt & Lt heart catheters	0.00	47.17	NA	2.93	50.10	NA	000
93529		A	Rt, lt heart catheterization	4.79	49.46	NA	3.23	57.48	NA	000
93529	26	A	Rt, lt heart catheterization	4.79	2.29	2.29	0.30	7.38	7.38	000
93529	TC	A	Rt, lt heart catheterization	0.00	47.17	NA	2.93	50.10	NA	000
93530		A	Rt heart cath, congenital	4.22	18.90	NA	1.34	24.46	NA	000
93530	26	A	Rt heart cath, congenital	4.22	1.94	1.94	0.29	6.45	6.45	000
93530	TC	A	Rt heart cath, congenital	0.00	16.96	NA	1.05	18.01	NA	000
93531		A	R & l heart cath, congenital	8.34	52.05	NA	3.57	63.96	NA	000
93531	26	A	R & l heart cath, congenital	8.34	3.59	3.59	0.55	12.48	12.48	000
93531	TC	A	R & l heart cath, congenital	0.00	48.46	NA	3.02	51.48	NA	000
93532		A	R & l heart cath, congenital	9.99	51.44	NA	3.56	64.99	NA	000
93532	26	A	R & l heart cath, congenital	9.99	4.27	4.27	0.63	14.89	14.89	000
93532	TC	A	R & l heart cath, congenital	0.00	47.17	NA	2.93	50.10	NA	000
93533		A	R & l heart cath, congenital	6.69	49.98	NA	3.45	60.12	NA	000
93533	26	A	R & l heart cath, congenital	6.69	2.81	2.81	0.52	10.02	10.02	000
93533	TC	A	R & l heart cath, congenital	0.00	47.17	NA	2.93	50.10	NA	000
93539		A	Injection, cardiac cath	0.40	NA	0.16	0.01	NA	0.57	000
93540		A	Injection, cardiac cath	0.43	NA	0.17	0.01	NA	0.61	000
93541		A	Injection for lung angiogram	0.29	NA	0.11	0.01	NA	0.41	000
93542		A	Injection for heart x-rays	0.29	NA	0.11	0.01	NA	0.41	000
93543		A	Injection for heart x-rays	0.29	NA	0.12	0.01	NA	0.42	000
93544		A	Injection for aortography	0.25	NA	0.10	0.01	NA	0.36	000

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CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
93545		A	Inject for coronary x-rays	0.40	NA	0.16	0.01	NA	0.57	000
93555		A	Imaging, cardiac cath	0.81	6.62	NA	0.38	7.81	NA	XXX
93555	26	A	Imaging, cardiac cath	0.81	0.32	0.32	0.04	1.17	1.17	XXX
93555	TC	A	Imaging, cardiac cath	0.00	6.30	NA	0.34	6.64	NA	XXX
93556		A	Imaging, cardiac cath	0.83	10.26	NA	0.55	11.64	NA	XXX
93556	26	A	Imaging, cardiac cath	0.83	0.33	0.33	0.04	1.20	1.20	XXX
93556	TC	A	Imaging, cardiac cath	0.00	9.93	NA	0.51	10.44	NA	XXX
93561		A	Cardiac output measurement	0.50	0.68	NA	0.08	1.26	NA	000
93561	26	A	Cardiac output measurement	0.50	0.16	0.16	0.02	0.68	0.68	000
93561	TC	A	Cardiac output measurement	0.00	0.52	NA	0.06	0.58	NA	000
93562		A	Cardiac output measurement	0.16	0.37	NA	0.05	0.58	NA	000
93562	26	A	Cardiac output measurement	0.16	0.05	0.05	0.01	0.22	0.22	000
93562	TC	A	Cardiac output measurement	0.00	0.32	NA	0.04	0.36	NA	000
93571		A	Heart flow reserve measure	1.80	5.26	NA	0.37	7.43	NA	ZZZ
93571	26	A	Heart flow reserve measure	1.80	0.68	0.68	0.13	2.61	2.61	ZZZ
93571	TC	A	Heart flow reserve measure	0.00	4.58	NA	0.24	4.82	NA	ZZZ
93572		A	Heart flow reserve measure	1.44	2.80	NA	0.34	4.58	NA	ZZZ
93572	26	A	Heart flow reserve measure	1.44	0.50	0.50	0.21	2.15	2.15	ZZZ
93572	TC	A	Heart flow reserve measure	0.00	2.30	NA	0.13	2.43	NA	ZZZ
93580		A	Transcath closure of asd	17.97	NA	7.21	1.37	NA	26.55	000
93581		A	Transcath closure of vsd	24.39	NA	9.66	1.37	NA	35.42	000
93600		A	Bundle of His recording	2.12	2.79	NA	0.26	5.17	NA	000
93600	26	A	Bundle of His recording	2.12	0.83	0.83	0.13	3.08	3.08	000
93600	TC	A	Bundle of His recording	0.00	1.96	NA	0.13	2.09	NA	000
93602		A	Intra-atrial recording	2.12	1.95	NA	0.21	4.28	NA	000
93602	26	A	Intra-atrial recording	2.12	0.83	0.83	0.14	3.09	3.09	000
93602	TC	A	Intra-atrial recording	0.00	1.12	NA	0.07	1.19	NA	000
93603		A	Right ventricular recording	2.12	2.51	NA	0.24	4.87	NA	000
93603	26	A	Right ventricular recording	2.12	0.82	0.82	0.13	3.07	3.07	000
93603	TC	A	Right ventricular recording	0.00	1.69	NA	0.11	1.80	NA	000
93609		A	Map tachycardia, add-on	4.99	4.67	NA	0.80	10.46	NA	ZZZ
93609	26	A	Map tachycardia, add-on	4.99	1.95	1.95	0.63	7.57	7.57	ZZZ
93609	TC	A	Map tachycardia, add-on	0.00	2.72	NA	0.17	2.89	NA	ZZZ
93610		A	Intra-atrial pacing	3.02	2.52	NA	0.31	5.85	NA	000
93610	26	A	Intra-atrial pacing	3.02	1.16	1.16	0.21	4.39	4.39	000
93610	TC	A	Intra-atrial pacing	0.00	1.36	NA	0.10	1.46	NA	000
93612		A	Intraventricular pacing	3.02	2.78	NA	0.32	6.12	NA	000
93612	26	A	Intraventricular pacing	3.02	1.16	1.16	0.21	4.39	4.39	000
93612	TC	A	Intraventricular pacing	0.00	1.62	NA	0.11	1.73	NA	000
93613		A	Electrophys map 3d, add-on	6.99	NA	2.76	0.63	NA	10.38	ZZZ
93615		A	Esophageal recording	0.99	0.59	NA	0.06	1.64	NA	000
93615	26	A	Esophageal recording	0.99	0.27	0.27	0.04	1.30	1.30	000
93615	TC	A	Esophageal recording	0.00	0.32	NA	0.02	0.34	NA	000
93616		A	Esophageal recording	1.49	0.74	NA	0.09	2.32	NA	000
93616	26	A	Esophageal recording	1.49	0.42	0.42	0.07	1.98	1.98	000
93616	TC	A	Esophageal recording	0.00	0.32	NA	0.02	0.34	NA	000
93618		A	Heart rhythm pacing	4.25	5.66	NA	0.51	10.42	NA	000
93618	26	A	Heart rhythm pacing	4.25	1.68	1.68	0.27	6.20	6.20	000
93618	TC	A	Heart rhythm pacing	0.00	3.98	NA	0.24	4.22	NA	000
93619		A	Electrophysiology evaluation	7.31	10.94	NA	0.93	19.18	NA	000
93619	26	A	Electrophysiology evaluation	7.31	3.20	3.20	0.46	10.97	10.97	000
93619	TC	A	Electrophysiology evaluation	0.00	7.74	NA	0.47	8.21	NA	000
93620		C	Electrophysiology evaluation	0.00	0.00	NA	0.00	0.00	NA	000
93620	26	A	Electrophysiology evaluation	11.57	4.86	4.86	0.72	17.15	17.15	000
93620	TC	C	Electrophysiology evaluation	0.00	0.00	NA	0.00	0.00	NA	000
93621		C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93621	26	A	Electrophysiology evaluation	2.10	0.82	0.82	0.18	3.10	3.10	ZZZ
93621	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93622		C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93622	26	A	Electrophysiology evaluation	3.10	1.21	1.21	0.81	5.12	5.12	ZZZ
93622	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93623		C	Stimulation, pacing heart	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93623	26	A	Stimulation, pacing heart	2.85	1.12	1.12	0.18	4.15	4.15	ZZZ
93623	TC	C	Stimulation, pacing heart	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93624		A	Electrophysiologic study	4.80	4.19	NA	0.43	9.42	NA	000
93624	26	A	Electrophysiologic study	4.80	2.20	2.20	0.30	7.30	7.30	000
93624	TC	A	Electrophysiologic study	0.00	1.99	NA	0.13	2.12	NA	000
93631		A	Heart pacing, mapping	7.59	8.95	NA	1.42	17.96	NA	000
93631	26	A	Heart pacing, mapping	7.59	2.78	2.78	0.80	11.17	11.17	000
93631	TC	A	Heart pacing, mapping	0.00	6.17	NA	0.62	6.79	NA	000
93640		A	Evaluation heart device	3.51	8.56	NA	0.64	12.71	NA	000
93640	26	A	Evaluation heart device	3.51	1.36	1.36	0.22	5.09	5.09	000
93640	TC	A	Evaluation heart device	0.00	7.20	NA	0.42	7.62	NA	000
93641		A	Electrophysiology evaluation	5.92	9.52	NA	0.79	16.23	NA	000
93641	26	A	Electrophysiology evaluation	5.92	2.32	2.32	0.37	8.61	8.61	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
93641	TC	A	Electrophysiology evaluation	0.00	7.20	NA	0.42	7.62	NA	000
93642		A	Electrophysiology evaluation	4.88	9.42	NA	0.61	14.91	NA	000
93642	26	A	Electrophysiology evaluation	4.88	2.22	2.22	0.19	7.29	7.29	000
93642	TC	A	Electrophysiology evaluation	0.00	7.20	NA	0.42	7.62	NA	000
93650		A	Ablate heart dysrhythm focus	10.49	NA	4.45	0.66	NA	15.60	000
93651		A	Ablate heart dysrhythm focus	16.23	NA	6.35	1.03	NA	23.61	000
93652		A	Ablate heart dysrhythm focus	17.65	NA	6.91	1.11	NA	25.67	000
93660		A	Tilt table evaluation	1.89	2.43	NA	0.09	4.41	NA	000
93660	26	A	Tilt table evaluation	1.89	0.74	0.74	0.07	2.70	2.70	000
93660	TC	A	Tilt table evaluation	0.00	1.69	NA	0.02	1.71	NA	000
93662		C	Intracardiac ecg (ice)	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93662	26	A	Intracardiac ecg (ice)	2.80	1.11	1.11	0.49	4.40	4.40	ZZZ
93662	TC	C	Intracardiac ecg (ice)	0.00	0.00	NA	0.00	0.00	NA	ZZZ
93668		N	Peripheral vascular rehab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93701		A	Bioimpedance, thoracic	0.17	1.02	NA	0.02	1.21	NA	XXX
93701	26	A	Bioimpedance, thoracic	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93701	TC	A	Bioimpedance, thoracic	0.00	0.95	NA	0.01	0.96	NA	XXX
93720		A	Total body plethysmography	0.17	0.76	NA	0.07	1.00	NA	XXX
93721		A	Plethysmography tracing	0.00	0.71	NA	0.06	0.77	NA	XXX
93722		A	Plethysmography report	0.17	0.05	0.05	0.01	0.23	0.23	XXX
93724		A	Analyze pacemaker system	4.88	5.90	NA	0.46	11.24	NA	000
93724	26	A	Analyze pacemaker system	4.88	1.92	1.92	0.22	7.02	7.02	000
93724	TC	A	Analyze pacemaker system	0.00	3.98	NA	0.24	4.22	NA	000
93727		A	Analyze ilr system	0.52	0.20	0.20	0.06	0.78	0.78	XXX
93731		A	Analyze pacemaker system	0.45	0.67	NA	0.06	1.18	NA	XXX
93731	26	A	Analyze pacemaker system	0.45	0.18	0.18	0.02	0.65	0.65	XXX
93731	TC	A	Analyze pacemaker system	0.00	0.49	NA	0.04	0.53	NA	XXX
93732		A	Analyze pacemaker system	0.92	0.87	NA	0.08	1.87	NA	XXX
93732	26	A	Analyze pacemaker system	0.92	0.36	0.36	0.04	1.32	1.32	XXX
93732	TC	A	Analyze pacemaker system	0.00	0.51	NA	0.04	0.55	NA	XXX
93733		A	Telephone analy, pacemaker	0.17	0.80	NA	0.07	1.04	NA	XXX
93733	26	A	Telephone analy, pacemaker	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93733	TC	A	Telephone analy, pacemaker	0.00	0.73	NA	0.06	0.79	NA	XXX
93734		A	Analyze pacemaker system	0.38	0.50	NA	0.03	0.91	NA	XXX
93734	26	A	Analyze pacemaker system	0.38	0.15	0.15	0.01	0.54	0.54	XXX
93734	TC	A	Analyze pacemaker system	0.00	0.35	NA	0.02	0.37	NA	XXX
93735		A	Analyze pacemaker system	0.74	0.73	NA	0.08	1.55	NA	XXX
93735	26	A	Analyze pacemaker system	0.74	0.29	0.29	0.04	1.07	1.07	XXX
93735	TC	A	Analyze pacemaker system	0.00	0.44	NA	0.04	0.48	NA	XXX
93736		A	Telephonic analy, pacemaker	0.15	0.69	NA	0.07	0.91	NA	XXX
93736	26	A	Telephonic analy, pacemaker	0.15	0.06	0.06	0.01	0.22	0.22	XXX
93736	TC	A	Telephonic analy, pacemaker	0.00	0.63	NA	0.06	0.69	NA	XXX
93740		B	Temperature gradient studies	+0.16	0.20	NA	0.02	0.38	NA	XXX
93740	26	B	Temperature gradient studies	+0.16	0.04	0.04	0.01	0.21	0.21	XXX
93740	TC	B	Temperature gradient studies	+0.00	0.16	NA	0.01	0.17	NA	XXX
93741		A	Analyze ht pace device sngl	0.80	0.99	NA	0.06	1.85	NA	XXX
93741	26	A	Analyze ht pace device sngl	0.80	0.32	0.32	0.02	1.14	1.14	XXX
93741	TC	A	Analyze ht pace device sngl	0.00	0.67	NA	0.04	0.71	NA	XXX
93742		A	Analyze ht pace device sngl	0.91	1.03	NA	0.06	2.00	NA	XXX
93742	26	A	Analyze ht pace device sngl	0.91	0.36	0.36	0.02	1.29	1.29	XXX
93742	TC	A	Analyze ht pace device sngl	0.00	0.67	NA	0.04	0.71	NA	XXX
93743		A	Analyze ht pace device dual	1.03	1.14	NA	0.08	2.25	NA	XXX
93743	26	A	Analyze ht pace device dual	1.03	0.40	0.40	0.04	1.47	1.47	XXX
93743	TC	A	Analyze ht pace device dual	0.00	0.74	NA	0.04	0.78	NA	XXX
93744		A	Analyze ht pace device dual	1.18	1.13	NA	0.08	2.39	NA	XXX
93744	26	A	Analyze ht pace device dual	1.18	0.46	0.46	0.04	1.68	1.68	XXX
93744	TC	A	Analyze ht pace device dual	0.00	0.67	NA	0.04	0.71	NA	XXX
93760		N	Cephalic thermogram	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93762		N	Peripheral thermogram	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93770		B	Measure venous pressure	+0.16	0.08	NA	0.02	0.26	NA	XXX
93770	26	B	Measure venous pressure	+0.16	0.05	0.05	0.01	0.22	0.22	XXX
93770	TC	B	Measure venous pressure	+0.00	0.03	NA	0.01	0.04	NA	XXX
93784		A	Ambulatory BP monitoring	0.38	1.55	NA	0.03	1.96	NA	XXX
93786		A	Ambulatory BP recording	0.00	0.91	NA	0.01	0.92	NA	XXX
93788		A	Ambulatory BP analysis	0.00	0.51	NA	0.01	0.52	NA	XXX
93790		A	Review/report BP recording	0.38	0.13	0.13	0.01	0.52	0.52	XXX
93797		A	Cardiac rehab	0.18	0.37	0.07	0.01	0.56	0.26	000
93798		A	Cardiac rehab/monitor	0.28	0.49	0.11	0.01	0.78	0.40	000
93799		C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93799	26	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93799	TC	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93875		A	Extracranial study	0.22	1.66	NA	0.12	2.00	NA	XXX
93875	26	A	Extracranial study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
93875	TC	A	Extracranial study	0.00	1.58	NA	0.11	1.69	NA	XXX
93880		A	Extracranial study	0.60	4.18	NA	0.40	5.18	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
93880	26	A	Extracranial study	0.60	0.21	0.21	0.05	0.86	0.86	XXX
93880	TC	A	Extracranial study	0.00	3.97	NA	0.35	4.32	NA	XXX
93882		A	Extracranial study	0.40	3.01	NA	0.27	3.68	NA	XXX
93882	26	A	Extracranial study	0.40	0.14	0.14	0.05	0.59	0.59	XXX
93882	TC	A	Extracranial study	0.00	2.87	NA	0.22	3.09	NA	XXX
93886		A	Intracranial study	0.94	4.47	NA	0.45	5.86	NA	XXX
93886	26	A	Intracranial study	0.94	0.37	0.37	0.06	1.37	1.37	XXX
93886	TC	A	Intracranial study	0.00	4.10	NA	0.39	4.49	NA	XXX
93888		A	Intracranial study	0.62	3.02	NA	0.32	3.96	NA	XXX
93888	26	A	Intracranial study	0.62	0.23	0.23	0.05	0.90	0.90	XXX
93888	TC	A	Intracranial study	0.00	2.79	NA	0.27	3.06	NA	XXX
93922		A	Extremity study	0.25	1.93	NA	0.15	2.33	NA	XXX
93922	26	A	Extremity study	0.25	0.09	0.09	0.02	0.36	0.36	XXX
93922	TC	A	Extremity study	0.00	1.84	NA	0.13	1.97	NA	XXX
93923		A	Extremity study	0.45	3.00	NA	0.27	3.72	NA	XXX
93923	26	A	Extremity study	0.45	0.15	0.15	0.05	0.65	0.65	XXX
93923	TC	A	Extremity study	0.00	2.85	NA	0.22	3.07	NA	XXX
93924		A	Extremity study	0.50	3.76	NA	0.31	4.57	NA	XXX
93924	26	A	Extremity study	0.50	0.17	0.17	0.06	0.73	0.73	XXX
93924	TC	A	Extremity study	0.00	3.59	NA	0.25	3.84	NA	XXX
93925		A	Lower extremity study	0.58	4.87	NA	0.40	5.85	NA	XXX
93925	26	A	Lower extremity study	0.58	0.20	0.20	0.05	0.83	0.83	XXX
93925	TC	A	Lower extremity study	0.00	4.67	NA	0.35	5.02	NA	XXX
93926		A	Lower extremity study	0.39	3.49	NA	0.27	4.15	NA	XXX
93926	26	A	Lower extremity study	0.39	0.13	0.13	0.04	0.56	0.56	XXX
93926	TC	A	Lower extremity study	0.00	3.36	NA	0.23	3.59	NA	XXX
93930		A	Upper extremity study	0.46	3.85	NA	0.41	4.72	NA	XXX
93930	26	A	Upper extremity study	0.46	0.16	0.16	0.04	0.66	0.66	XXX
93930	TC	A	Upper extremity study	0.00	3.69	NA	0.37	4.06	NA	XXX
93931		A	Upper extremity study	0.31	2.82	NA	0.26	3.39	NA	XXX
93931	26	A	Upper extremity study	0.31	0.11	0.11	0.02	0.44	0.44	XXX
93931	TC	A	Upper extremity study	0.00	2.71	NA	0.24	2.95	NA	XXX
93965		A	Extremity study	0.35	1.86	NA	0.14	2.35	NA	XXX
93965	26	A	Extremity study	0.35	0.12	0.12	0.02	0.49	0.49	XXX
93965	TC	A	Extremity study	0.00	1.74	NA	0.12	1.86	NA	XXX
93970		A	Extremity study	0.68	3.97	NA	0.46	5.11	NA	XXX
93970	26	A	Extremity study	0.68	0.23	0.23	0.06	0.97	0.97	XXX
93970	TC	A	Extremity study	0.00	3.74	NA	0.40	4.14	NA	XXX
93971		A	Extremity study	0.45	2.86	NA	0.31	3.62	NA	XXX
93971	26	A	Extremity study	0.45	0.15	0.15	0.04	0.64	0.64	XXX
93971	TC	A	Extremity study	0.00	2.71	NA	0.27	2.98	NA	XXX
93975		A	Vascular study	1.80	5.82	NA	0.56	8.18	NA	XXX
93975	26	A	Vascular study	1.80	0.60	0.60	0.13	2.53	2.53	XXX
93975	TC	A	Vascular study	0.00	5.22	NA	0.43	5.65	NA	XXX
93976		A	Vascular study	1.21	3.46	NA	0.37	5.04	NA	XXX
93976	26	A	Vascular study	1.21	0.40	0.40	0.07	1.68	1.68	XXX
93976	TC	A	Vascular study	0.00	3.06	NA	0.30	3.36	NA	XXX
93978		A	Vascular study	0.65	3.58	NA	0.43	4.66	NA	XXX
93978	26	A	Vascular study	0.65	0.22	0.22	0.06	0.93	0.93	XXX
93978	TC	A	Vascular study	0.00	3.36	NA	0.37	3.73	NA	XXX
93979		A	Vascular study	0.44	2.65	NA	0.29	3.38	NA	XXX
93979	26	A	Vascular study	0.44	0.15	0.15	0.05	0.64	0.64	XXX
93979	TC	A	Vascular study	0.00	2.50	NA	0.24	2.74	NA	XXX
93980		A	Penile vascular study	1.25	4.78	NA	0.42	6.45	NA	XXX
93980	26	A	Penile vascular study	1.25	0.41	0.41	0.08	1.74	1.74	XXX
93980	TC	A	Penile vascular study	0.00	4.37	NA	0.34	4.71	NA	XXX
93981		A	Penile vascular study	0.44	4.61	NA	0.33	5.38	NA	XXX
93981	26	A	Penile vascular study	0.44	0.15	0.15	0.02	0.61	0.61	XXX
93981	TC	A	Penile vascular study	0.00	4.46	NA	0.31	4.77	NA	XXX
93990		A	Doppler flow testing	0.25	3.42	NA	0.25	3.92	NA	XXX
93990	26	A	Doppler flow testing	0.25	0.09	0.09	0.02	0.36	0.36	XXX
93990	TC	A	Doppler flow testing	0.00	3.33	NA	0.23	3.56	NA	XXX
94010		A	Breathing capacity test	0.17	0.67	NA	0.03	0.87	NA	XXX
94010	26	A	Breathing capacity test	0.17	0.05	0.05	0.01	0.23	0.23	XXX
94010	TC	A	Breathing capacity test	0.00	0.62	NA	0.02	0.64	NA	XXX
94014		A	Patient recorded spirometry	0.52	0.77	NA	0.03	1.32	NA	XXX
94015		A	Patient recorded spirometry	0.00	0.60	NA	0.01	0.61	NA	XXX
94016		A	Review patient spirometry	0.52	0.17	0.17	0.02	0.71	0.71	XXX
94060		A	Evaluation of wheezing	0.31	1.12	NA	0.07	1.50	NA	XXX
94060	26	A	Evaluation of wheezing	0.31	0.10	0.10	0.01	0.42	0.42	XXX
94060	TC	A	Evaluation of wheezing	0.00	1.02	NA	0.06	1.08	NA	XXX
94070		A	Evaluation of wheezing	0.60	2.99	NA	0.12	3.71	NA	XXX
94070	26	A	Evaluation of wheezing	0.60	0.19	0.19	0.02	0.81	0.81	XXX
94070	TC	A	Evaluation of wheezing	0.00	2.80	NA	0.10	2.90	NA	XXX
94150		B	Vital capacity test	+0.07	0.48	NA	0.02	0.57	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
94150	26	B	Vital capacity test	+0.07	0.03	0.03	0.01	0.11	0.11	XXX
94150	TC	B	Vital capacity test	+0.00	0.45	NA	0.01	0.46	NA	XXX
94200		A	Lung function test (MBC/MVV)	0.11	0.44	NA	0.03	0.58	NA	XXX
94200	26	A	Lung function test (MBC/MVV)	0.11	0.03	0.03	0.01	0.15	0.15	XXX
94200	TC	A	Lung function test (MBC/MVV)	0.00	0.41	NA	0.02	0.43	NA	XXX
94240		A	Residual lung capacity	0.26	0.65	NA	0.06	0.97	NA	XXX
94240	26	A	Residual lung capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94240	TC	A	Residual lung capacity	0.00	0.57	NA	0.05	0.62	NA	XXX
94250		A	Expired gas collection	0.11	0.65	NA	0.02	0.78	NA	XXX
94250	26	A	Expired gas collection	0.11	0.03	0.03	0.01	0.15	0.15	XXX
94250	TC	A	Expired gas collection	0.00	0.62	NA	0.01	0.63	NA	XXX
94260		A	Thoracic gas volume	0.13	0.57	NA	0.05	0.75	NA	XXX
94260	26	A	Thoracic gas volume	0.13	0.04	0.04	0.01	0.18	0.18	XXX
94260	TC	A	Thoracic gas volume	0.00	0.53	NA	0.04	0.57	NA	XXX
94350		A	Lung nitrogen washout curve	0.26	0.75	NA	0.05	1.06	NA	XXX
94350	26	A	Lung nitrogen washout curve	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94350	TC	A	Lung nitrogen washout curve	0.00	0.67	NA	0.04	0.71	NA	XXX
94360		A	Measure airflow resistance	0.26	0.69	NA	0.07	1.02	NA	XXX
94360	26	A	Measure airflow resistance	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94360	TC	A	Measure airflow resistance	0.00	0.61	NA	0.06	0.67	NA	XXX
94370		A	Breath airway closing volume	0.26	0.72	NA	0.03	1.01	NA	XXX
94370	26	A	Breath airway closing volume	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94370	TC	A	Breath airway closing volume	0.00	0.64	NA	0.02	0.66	NA	XXX
94375		A	Respiratory flow volume loop	0.31	0.61	NA	0.03	0.95	NA	XXX
94375	26	A	Respiratory flow volume loop	0.31	0.10	0.10	0.01	0.42	0.42	XXX
94375	TC	A	Respiratory flow volume loop	0.00	0.51	NA	0.02	0.53	NA	XXX
94400		A	CO2 breathing response curve	0.40	0.84	NA	0.07	1.31	NA	XXX
94400	26	A	CO2 breathing response curve	0.40	0.12	0.12	0.01	0.53	0.53	XXX
94400	TC	A	CO2 breathing response curve	0.00	0.72	NA	0.06	0.78	NA	XXX
94450		A	Hypoxia response curve	0.40	0.68	NA	0.04	1.12	NA	XXX
94450	26	A	Hypoxia response curve	0.40	0.12	0.12	0.02	0.54	0.54	XXX
94450	TC	A	Hypoxia response curve	0.00	0.56	NA	0.02	0.58	NA	XXX
94620		A	Pulmonary stress test/simple	0.64	2.42	NA	0.12	3.18	NA	XXX
94620	26	A	Pulmonary stress test/simple	0.64	0.20	0.20	0.02	0.86	0.86	XXX
94620	TC	A	Pulmonary stress test/simple	0.00	2.22	NA	0.10	2.32	NA	XXX
94621		A	Pulm stress test/complex	1.42	2.06	NA	0.16	3.64	NA	XXX
94621	26	A	Pulm stress test/complex	1.42	0.43	0.43	0.06	1.91	1.91	XXX
94621	TC	A	Pulm stress test/complex	0.00	1.63	NA	0.10	1.73	NA	XXX
94640		A	Airway inhalation treatment	0.00	0.32	NA	0.02	0.34	NA	XXX
94642		C	Aerosol inhalation treatment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94656		A	Initial ventilator mgmt	1.22	1.18	0.32	0.07	2.47	1.61	XXX
94657		A	Continued ventilator mgmt	0.83	1.00	0.25	0.04	1.87	1.12	XXX
94660		A	Pos airway pressure, CPAP	0.76	0.66	0.24	0.04	1.46	1.04	XXX
94662		A	Neg press ventilation, cnp	0.76	NA	0.24	0.02	NA	1.02	XXX
94664		A	Evaluate pt use of inhaler	0.00	0.32	NA	0.04	0.36	NA	XXX
94667		A	Chest wall manipulation	0.00	0.54	NA	0.05	0.59	NA	XXX
94668		A	Chest wall manipulation	0.00	0.46	NA	0.02	0.48	NA	XXX
94680		A	Exhaled air analysis, o2	0.26	1.89	NA	0.07	2.22	NA	XXX
94680	26	A	Exhaled air analysis, o2	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94680	TC	A	Exhaled air analysis, o2	0.00	1.81	NA	0.06	1.87	NA	XXX
94681		A	Exhaled air analysis, o2/co2	0.20	2.62	NA	0.13	2.95	NA	XXX
94681	26	A	Exhaled air analysis, o2/co2	0.20	0.07	0.07	0.01	0.28	0.28	XXX
94681	TC	A	Exhaled air analysis, o2/co2	0.00	2.55	NA	0.12	2.67	NA	XXX
94690		A	Exhaled air analysis	0.07	1.97	NA	0.05	2.09	NA	XXX
94690	26	A	Exhaled air analysis	0.07	0.02	0.02	0.01	0.10	0.10	XXX
94690	TC	A	Exhaled air analysis	0.00	1.95	NA	0.04	1.99	NA	XXX
94720		A	Monoxide diffusing capacity	0.26	1.00	NA	0.07	1.33	NA	XXX
94720	26	A	Monoxide diffusing capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94720	TC	A	Monoxide diffusing capacity	0.00	0.92	NA	0.06	0.98	NA	XXX
94725		A	Membrane diffusion capacity	0.26	2.92	NA	0.13	3.31	NA	XXX
94725	26	A	Membrane diffusion capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94725	TC	A	Membrane diffusion capacity	0.00	2.84	NA	0.12	2.96	NA	XXX
94750		A	Pulmonary compliance study	0.23	1.35	NA	0.05	1.63	NA	XXX
94750	26	A	Pulmonary compliance study	0.23	0.07	0.07	0.01	0.31	0.31	XXX
94750	TC	A	Pulmonary compliance study	0.00	1.28	NA	0.04	1.32	NA	XXX
94760		T	Measure blood oxygen level	0.00	0.04	NA	0.02	0.06	NA	XXX
94761		T	Measure blood oxygen level	0.00	0.07	NA	0.06	0.13	NA	XXX
94762		A	Measure blood oxygen level	0.00	0.40	NA	0.10	0.50	NA	XXX
94770		A	Exhaled carbon dioxide test	0.15	1.67	NA	0.08	1.90	NA	XXX
94770	26	A	Exhaled carbon dioxide test	0.15	0.04	0.04	0.01	0.20	0.20	XXX
94770	TC	A	Exhaled carbon dioxide test	0.00	1.63	NA	0.07	1.70	NA	XXX
94772		C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94772	26	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94772	TC	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799		C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
94799	26	C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799	TC	C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95004		A	Percut allergy skin tests	0.00	0.10	NA	0.01	0.11	NA	XXX
95010		A	Percut allergy titrate test	0.15	0.33	0.06	0.01	0.49	0.22	XXX
95015		A	Id allergy titrate-drug/bug	0.15	0.15	0.06	0.01	0.31	0.22	XXX
95024		A	Id allergy test, drug/bug	0.00	0.15	NA	0.01	0.16	NA	XXX
95027		A	Id allergy titrate-airborne	0.00	0.15	NA	0.01	0.16	NA	XXX
95028		A	Id allergy test-delayed type	0.00	0.24	NA	0.01	0.25	NA	XXX
95044		A	Allergy patch tests	0.00	0.21	NA	0.01	0.22	NA	XXX
95052		A	Photo patch test	0.00	0.26	NA	0.01	0.27	NA	XXX
95056		A	Photosensitivity tests	0.00	0.18	NA	0.01	0.19	NA	XXX
95060		A	Eye allergy tests	0.00	0.35	NA	0.02	0.37	NA	XXX
95065		A	Nose allergy test	0.00	0.21	NA	0.01	0.22	NA	XXX
95070		A	Bronchial allergy tests	0.00	2.29	NA	0.02	2.31	NA	XXX
95071		A	Bronchial allergy tests	0.00	2.93	NA	0.02	2.95	NA	XXX
95075		A	Ingestion challenge test	0.95	0.83	0.38	0.04	1.82	1.37	XXX
95078		A	Provocative testing	0.00	0.26	NA	0.02	0.28	NA	XXX
95115		A	Immunotherapy, one injection	0.00	0.38	NA	0.02	0.40	NA	000
95117		A	Immunotherapy injections	0.00	0.50	NA	0.02	0.52	NA	000
95120		I	Immunotherapy, one injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95125		I	Immunotherapy, many antigens	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95130		I	Immunotherapy, insect venom	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95131		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95132		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95133		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95134		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95144		A	Antigen therapy services	0.06	0.15	0.02	0.01	0.22	0.09	000
95145		A	Antigen therapy services	0.06	0.33	0.02	0.01	0.40	0.09	000
95146		A	Antigen therapy services	0.06	0.44	0.03	0.01	0.51	0.10	000
95147		A	Antigen therapy services	0.06	0.42	0.02	0.01	0.49	0.09	000
95148		A	Antigen therapy services	0.06	0.58	0.03	0.01	0.65	0.10	000
95149		A	Antigen therapy services	0.06	0.81	0.03	0.01	0.88	0.10	000
95165		A	Antigen therapy services	0.06	0.20	0.02	0.01	0.27	0.09	000
95170		A	Antigen therapy services	0.06	0.14	0.02	0.01	0.21	0.09	000
95180		A	Rapid desensitization	2.01	1.52	0.82	0.05	3.58	2.88	000
95199		C	Allergy immunology services	0.00	0.00	0.00	0.00	0.00	0.00	000
95250		A	Glucose monitoring, cont	0.00	3.82	NA	0.01	3.83	NA	XXX
95805		A	Multiple sleep latency test	1.88	16.26	NA	0.41	18.55	NA	XXX
95805	26	A	Multiple sleep latency test	1.88	0.66	0.66	0.07	2.61	2.61	XXX
95805	TC	A	Multiple sleep latency test	0.00	15.60	NA	0.34	15.94	NA	XXX
95806		A	Sleep study, unattended	1.66	3.81	NA	0.38	5.85	NA	XXX
95806	26	A	Sleep study, unattended	1.66	0.53	0.53	0.07	2.26	2.26	XXX
95806	TC	A	Sleep study, unattended	0.00	3.28	NA	0.31	3.59	NA	XXX
95807		A	Sleep study, attended	1.66	11.67	NA	0.48	13.81	NA	XXX
95807	26	A	Sleep study, attended	1.66	0.53	0.53	0.06	2.25	2.25	XXX
95807	TC	A	Sleep study, attended	0.00	11.14	NA	0.42	11.56	NA	XXX
95808		A	Polysomnography, 1-3	2.65	12.91	NA	0.53	16.09	NA	XXX
95808	26	A	Polysomnography, 1-3	2.65	0.93	0.93	0.11	3.69	3.69	XXX
95808	TC	A	Polysomnography, 1-3	0.00	11.98	NA	0.42	12.40	NA	XXX
95810		A	Polysomnography, 4 or more	3.52	17.02	NA	0.56	21.10	NA	XXX
95810	26	A	Polysomnography, 4 or more	3.52	1.18	1.18	0.14	4.84	4.84	XXX
95810	TC	A	Polysomnography, 4 or more	0.00	15.84	NA	0.42	16.26	NA	XXX
95811		A	Polysomnography w/cpap	3.79	18.45	NA	0.59	22.83	NA	XXX
95811	26	A	Polysomnography w/cpap	3.79	1.27	1.27	0.16	5.22	5.22	XXX
95811	TC	A	Polysomnography w/cpap	0.00	17.18	NA	0.43	17.61	NA	XXX
95812		A	Eeg, 41-60 minutes	1.08	3.91	NA	0.16	5.15	NA	XXX
95812	26	A	Eeg, 41-60 minutes	1.08	0.45	0.45	0.05	1.58	1.58	XXX
95812	TC	A	Eeg, 41-60 minutes	0.00	3.46	NA	0.11	3.57	NA	XXX
95813		A	Eeg, over 1 hour	1.73	4.93	NA	0.18	6.84	NA	XXX
95813	26	A	Eeg, over 1 hour	1.73	0.70	0.70	0.07	2.50	2.50	XXX
95813	TC	A	Eeg, over 1 hour	0.00	4.23	NA	0.11	4.34	NA	XXX
95816		A	Eeg, awake and drowsy	1.08	3.14	NA	0.15	4.37	NA	XXX
95816	26	A	Eeg, awake and drowsy	1.08	0.46	0.46	0.05	1.59	1.59	XXX
95816	TC	A	Eeg, awake and drowsy	0.00	2.68	NA	0.10	2.78	NA	XXX
95819		A	Eeg, awake and asleep	1.08	3.69	NA	0.15	4.92	NA	XXX
95819	26	A	Eeg, awake and asleep	1.08	0.46	0.46	0.05	1.59	1.59	XXX
95819	TC	A	Eeg, awake and asleep	0.00	3.23	NA	0.10	3.33	NA	XXX
95822		A	Eeg, coma or sleep only	1.08	4.35	NA	0.18	5.61	NA	XXX
95822	26	A	Eeg, coma or sleep only	1.08	0.45	0.45	0.05	1.58	1.58	XXX
95822	TC	A	Eeg, coma or sleep only	0.00	3.90	NA	0.13	4.03	NA	XXX
95824		C	Eeg, cerebral death only	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95824	26	A	Eeg, cerebral death only	0.74	0.32	0.32	0.06	1.12	1.12	XXX
95824	TC	C	Eeg, cerebral death only	0.00	0.00	NA	0.00	0.00	NA	XXX
95827		A	Eeg, all night recording	1.08	2.70	NA	0.18	3.96	NA	XXX
95827	26	A	Eeg, all night recording	1.08	0.40	0.40	0.04	1.52	1.52	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
95827	TC	A	Eeg, all night recording	0.00	2.30	NA	0.14	2.44	NA	XXX
95829		A	Surgery electrocorticogram	6.20	31.30	NA	0.39	37.89	NA	XXX
95829	26	A	Surgery electrocorticogram	6.20	2.33	2.33	0.37	8.90	8.90	XXX
95829	TC	A	Surgery electrocorticogram	0.00	28.97	NA	0.02	28.99	NA	XXX
95830		A	Insert electrodes for EEG	1.70	3.37	0.73	0.08	5.15	2.51	XXX
95831		A	Limb muscle testing, manual	0.28	0.34	0.13	0.01	0.63	0.42	XXX
95832		A	Hand muscle testing, manual	0.29	0.25	0.12	0.01	0.55	0.42	XXX
95833		A	Body muscle testing, manual	0.47	0.45	0.23	0.01	0.93	0.71	XXX
95834		A	Body muscle testing, manual	0.60	0.50	0.28	0.02	1.12	0.90	XXX
95851		A	Range of motion measurements	0.16	0.37	0.08	0.01	0.54	0.25	XXX
95852		A	Range of motion measurements	0.11	0.26	0.05	0.01	0.38	0.17	XXX
95857		A	Tensilon test	0.53	0.61	0.23	0.02	1.16	0.78	XXX
95858		A	Tensilon test & myogram	1.56	1.06	NA	0.09	2.71	NA	XXX
95858	26	A	Tensilon test & myogram	1.56	0.67	0.67	0.05	2.28	2.28	XXX
95858	TC	A	Tensilon test & myogram	0.00	0.39	NA	0.04	0.43	NA	XXX
95860		A	Muscle test, one limb	0.96	1.45	NA	0.06	2.47	NA	XXX
95860	26	A	Muscle test, one limb	0.96	0.42	0.42	0.04	1.42	1.42	XXX
95860	TC	A	Muscle test, one limb	0.00	1.03	NA	0.02	1.05	NA	XXX
95861		A	Muscle test, 2 limbs	1.54	1.42	NA	0.12	3.08	NA	XXX
95861	26	A	Muscle test, 2 limbs	1.54	0.68	0.68	0.06	2.28	2.28	XXX
95861	TC	A	Muscle test, 2 limbs	0.00	0.74	NA	0.06	0.80	NA	XXX
95863		A	Muscle test, 3 limbs	1.87	1.75	NA	0.13	3.75	NA	XXX
95863	26	A	Muscle test, 3 limbs	1.87	0.81	0.81	0.07	2.75	2.75	XXX
95863	TC	A	Muscle test, 3 limbs	0.00	0.94	NA	0.06	1.00	NA	XXX
95864		A	Muscle test, 4 limbs	1.99	2.66	NA	0.19	4.84	NA	XXX
95864	26	A	Muscle test, 4 limbs	1.99	0.87	0.87	0.07	2.93	2.93	XXX
95864	TC	A	Muscle test, 4 limbs	0.00	1.79	NA	0.12	1.91	NA	XXX
95867		A	Muscle test cran nerv unilat	0.79	0.93	NA	0.08	1.80	NA	XXX
95867	26	A	Muscle test cran nerv unilat	0.79	0.35	0.35	0.04	1.18	1.18	XXX
95867	TC	A	Muscle test cran nerv unilat	0.00	0.58	NA	0.04	0.62	NA	XXX
95868		A	Muscle test cran nerve bilat	1.18	1.21	NA	0.10	2.49	NA	XXX
95868	26	A	Muscle test cran nerve bilat	1.18	0.51	0.51	0.05	1.74	1.74	XXX
95868	TC	A	Muscle test cran nerve bilat	0.00	0.70	NA	0.05	0.75	NA	XXX
95869		A	Muscle test, thor paraspinal	0.37	0.38	NA	0.03	0.78	NA	XXX
95869	26	A	Muscle test, thor paraspinal	0.37	0.16	0.16	0.01	0.54	0.54	XXX
95869	TC	A	Muscle test, thor paraspinal	0.00	0.22	NA	0.02	0.24	NA	XXX
95870		A	Muscle test, nonparaspinal	0.37	0.38	NA	0.03	0.78	NA	XXX
95870	26	A	Muscle test, nonparaspinal	0.37	0.16	0.16	0.01	0.54	0.54	XXX
95870	TC	A	Muscle test, nonparaspinal	0.00	0.22	NA	0.02	0.24	NA	XXX
95872		A	Muscle test, one fiber	1.50	1.23	NA	0.10	2.83	NA	XXX
95872	26	A	Muscle test, one fiber	1.50	0.63	0.63	0.05	2.18	2.18	XXX
95872	TC	A	Muscle test, one fiber	0.00	0.60	NA	0.05	0.65	NA	XXX
95875		A	Limb exercise test	1.10	1.46	NA	0.11	2.67	NA	XXX
95875	26	A	Limb exercise test	1.10	0.46	0.46	0.05	1.61	1.61	XXX
95875	TC	A	Limb exercise test	0.00	1.00	NA	0.06	1.06	NA	XXX
95900		A	Motor nerve conduction test	0.42	1.29	NA	0.03	1.74	NA	XXX
95900	26	A	Motor nerve conduction test	0.42	0.19	0.19	0.01	0.62	0.62	XXX
95900	TC	A	Motor nerve conduction test	0.00	1.10	NA	0.02	1.12	NA	XXX
95903		A	Motor nerve conduction test	0.60	1.21	NA	0.04	1.85	NA	XXX
95903	26	A	Motor nerve conduction test	0.60	0.26	0.26	0.02	0.88	0.88	XXX
95903	TC	A	Motor nerve conduction test	0.00	0.95	NA	0.02	0.97	NA	XXX
95904		A	Sense nerve conduction test	0.34	1.11	NA	0.03	1.48	NA	XXX
95904	26	A	Sense nerve conduction test	0.34	0.15	0.15	0.01	0.50	0.50	XXX
95904	TC	A	Sense nerve conduction test	0.00	0.96	NA	0.02	0.98	NA	XXX
95920		A	Intraop nerve test add-on	2.11	2.25	NA	0.24	4.60	NA	ZZZ
95920	26	A	Intraop nerve test add-on	2.11	0.94	0.94	0.17	3.22	3.22	ZZZ
95920	TC	A	Intraop nerve test add-on	0.00	1.31	NA	0.07	1.38	NA	ZZZ
95921		A	Autonomic nerv function test	0.90	0.70	NA	0.06	1.66	NA	XXX
95921	26	A	Autonomic nerv function test	0.90	0.33	0.33	0.04	1.27	1.27	XXX
95921	TC	A	Autonomic nerv function test	0.00	0.37	NA	0.02	0.39	NA	XXX
95922		A	Autonomic nerv function test	0.96	0.77	NA	0.06	1.79	NA	XXX
95922	26	A	Autonomic nerv function test	0.96	0.40	0.40	0.04	1.40	1.40	XXX
95922	TC	A	Autonomic nerv function test	0.00	0.37	NA	0.02	0.39	NA	XXX
95923		A	Autonomic nerv function test	0.90	2.08	NA	0.06	3.04	NA	XXX
95923	26	A	Autonomic nerv function test	0.90	0.37	0.37	0.04	1.31	1.31	XXX
95923	TC	A	Autonomic nerv function test	0.00	1.71	NA	0.02	1.73	NA	XXX
95925		A	Somatosensory testing	0.54	1.14	NA	0.08	1.76	NA	XXX
95925	26	A	Somatosensory testing	0.54	0.23	0.23	0.02	0.79	0.79	XXX
95925	TC	A	Somatosensory testing	0.00	0.91	NA	0.06	0.97	NA	XXX
95926		A	Somatosensory testing	0.54	1.15	NA	0.08	1.77	NA	XXX
95926	26	A	Somatosensory testing	0.54	0.24	0.24	0.02	0.80	0.80	XXX
95926	TC	A	Somatosensory testing	0.00	0.91	NA	0.06	0.97	NA	XXX
95927		A	Somatosensory testing	0.54	1.16	NA	0.10	1.80	NA	XXX
95927	26	A	Somatosensory testing	0.54	0.25	0.25	0.04	0.83	0.83	XXX
95927	TC	A	Somatosensory testing	0.00	0.91	NA	0.06	0.97	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
95930		A	Visual evoked potential test	0.35	1.43	NA	0.02	1.80	NA	XXX
95930	26	A	Visual evoked potential test	0.35	0.15	0.15	0.01	0.51	0.51	XXX
95930	TC	A	Visual evoked potential test	0.00	1.28	NA	0.01	1.29	NA	XXX
95933		A	Blink reflex test	0.59	1.03	NA	0.08	1.70	NA	XXX
95933	26	A	Blink reflex test	0.59	0.24	0.24	0.02	0.85	0.85	XXX
95933	TC	A	Blink reflex test	0.00	0.79	NA	0.06	0.85	NA	XXX
95934		A	H-reflex test	0.51	0.44	NA	0.04	0.99	NA	XXX
95934	26	A	H-reflex test	0.51	0.22	0.22	0.02	0.75	0.75	XXX
95934	TC	A	H-reflex test	0.00	0.22	NA	0.02	0.24	NA	XXX
95936		A	H-reflex test	0.55	0.46	NA	0.04	1.05	NA	XXX
95936	26	A	H-reflex test	0.55	0.24	0.24	0.02	0.81	0.81	XXX
95936	TC	A	H-reflex test	0.00	0.22	NA	0.02	0.24	NA	XXX
95937		A	Neuromuscular junction test	0.65	0.61	NA	0.04	1.30	NA	XXX
95937	26	A	Neuromuscular junction test	0.65	0.27	0.27	0.02	0.94	0.94	XXX
95937	TC	A	Neuromuscular junction test	0.00	0.34	NA	0.02	0.36	NA	XXX
95950		A	Ambulatory eeg monitoring	1.51	4.47	NA	0.53	6.51	NA	XXX
95950	26	A	Ambulatory eeg monitoring	1.51	0.64	0.64	0.10	2.25	2.25	XXX
95950	TC	A	Ambulatory eeg monitoring	0.00	3.83	NA	0.43	4.26	NA	XXX
95951		C	EEG monitoring/videorecord	0.00	0.00	NA	0.00	0.00	NA	XXX
95951	26	A	EEG monitoring/videorecord	5.99	2.57	2.57	0.24	8.80	8.80	XXX
95951	TC	C	EEG monitoring/videorecord	0.00	0.00	NA	0.00	0.00	NA	XXX
95953		A	EEG monitoring/computer	3.08	7.64	NA	0.55	11.27	NA	XXX
95953	26	A	EEG monitoring/computer	3.08	1.29	1.29	0.12	4.49	4.49	XXX
95953	TC	A	EEG monitoring/computer	0.00	6.35	NA	0.43	6.78	NA	XXX
95954		A	EEG monitoring/giving drugs	2.45	4.29	NA	0.18	6.92	NA	XXX
95954	26	A	EEG monitoring/giving drugs	2.45	1.05	1.05	0.12	3.62	3.62	XXX
95954	TC	A	EEG monitoring/giving drugs	0.00	3.24	NA	0.06	3.30	NA	XXX
95955		A	EEG during surgery	1.01	2.33	NA	0.23	3.57	NA	XXX
95955	26	A	EEG during surgery	1.01	0.36	0.36	0.06	1.43	1.43	XXX
95955	TC	A	EEG during surgery	0.00	1.97	NA	0.17	2.14	NA	XXX
95956		A	Eeg monitoring, cable/radio	3.08	14.14	NA	0.56	17.78	NA	XXX
95956	26	A	Eeg monitoring, cable/radio	3.08	1.30	1.30	0.13	4.51	4.51	XXX
95956	TC	A	Eeg monitoring, cable/radio	0.00	12.84	NA	0.43	13.27	NA	XXX
95957		A	EEG digital analysis	1.98	2.56	NA	0.20	4.74	NA	XXX
95957	26	A	EEG digital analysis	1.98	0.85	0.85	0.08	2.91	2.91	XXX
95957	TC	A	EEG digital analysis	0.00	1.71	NA	0.12	1.83	NA	XXX
95958		A	EEG monitoring/function test	4.24	3.50	NA	0.35	8.09	NA	XXX
95958	26	A	EEG monitoring/function test	4.24	1.75	1.75	0.22	6.21	6.21	XXX
95958	TC	A	EEG monitoring/function test	0.00	1.75	NA	0.13	1.88	NA	XXX
95961		A	Electrode stimulation, brain	2.97	2.63	NA	0.29	5.89	NA	XXX
95961	26	A	Electrode stimulation, brain	2.97	1.32	1.32	0.22	4.51	4.51	XXX
95961	TC	A	Electrode stimulation, brain	0.00	1.31	NA	0.07	1.38	NA	XXX
95962		A	Electrode stim, brain add-on	3.21	2.70	NA	0.28	6.19	NA	ZZZ
95962	26	A	Electrode stim, brain add-on	3.21	1.39	1.39	0.21	4.81	4.81	ZZZ
95962	TC	A	Electrode stim, brain add-on	0.00	1.31	NA	0.07	1.38	NA	ZZZ
95965		C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95965	26	A	Meg, spontaneous	7.99	3.42	3.42	0.37	11.78	11.78	XXX
95965	TC	C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95966		C	Meg, evoked, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95966	26	A	Meg, evoked, single	3.99	1.73	1.73	0.18	5.90	5.90	XXX
95966	TC	C	Meg, evoked, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95967		C	Meg, evoked, each add'l	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95967	26	A	Meg, evoked, each add'l	3.49	1.33	1.33	0.16	4.98	4.98	ZZZ
95967	TC	C	Meg, evoked, each add'l	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95970		A	Analyze neurostim, no prog	0.45	0.17	0.15	0.04	0.66	0.64	XXX
95971		A	Analyze neurostim, simple	0.78	0.28	0.23	0.07	1.13	1.08	XXX
95972		A	Analyze neurostim, complex	1.50	0.59	0.49	0.21	2.30	2.20	XXX
95973		A	Analyze neurostim, complex	0.92	0.39	0.35	0.08	1.39	1.35	ZZZ
95974		A	Cranial neurostim, complex	3.00	1.29	1.29	0.18	4.47	4.47	XXX
95975		A	Cranial neurostim, complex	1.70	0.73	0.73	0.08	2.51	2.51	ZZZ
95990		A	Spin/brain pump refil & main	0.00	1.50	NA	0.06	1.56	NA	XXX
95991		A	Spin/brain pump refil & main	0.77	1.43	0.19	0.06	2.26	1.02	XXX
95999		C	Neurological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96000		A	Motion analysis, video/3d	1.80	NA	0.55	0.02	NA	2.37	XXX
96001		A	Motion test w/ft press meas	2.15	NA	0.66	0.02	NA	2.83	XXX
96002		A	Dynamic surface emg	0.41	NA	0.15	0.02	NA	0.58	XXX
96003		A	Dynamic fine wire emg	0.37	NA	0.14	0.04	NA	0.55	XXX
96004		A	Phys review of motion tests	2.14	0.95	0.95	0.10	3.19	3.19	XXX
96100		A	Psychological testing	0.00	1.77	NA	0.18	1.95	NA	XXX
96105		A	Assessment of aphasia	0.00	1.77	NA	0.18	1.95	NA	XXX
96110		A	Developmental test, lim	0.00	0.19	NA	0.18	0.37	NA	XXX
96111		A	Developmental test, extend	2.60	1.07	NA	0.18	3.85	NA	XXX
96115		A	Neurobehavior status exam	0.00	1.77	NA	0.18	1.95	NA	XXX
96117		A	Neuropsych test battery	0.00	1.77	NA	0.18	1.95	NA	XXX
96150		A	Assess lth/behave, init	0.50	0.19	0.18	0.02	0.71	0.70	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
96151		A	Assess hlth/behave, subseq	0.48	0.18	0.17	0.02	0.68	0.67	XXX
96152		A	Intervene hlth/behave, indiv	0.46	0.17	0.16	0.02	0.65	0.64	XXX
96153		A	Intervene hlth/behave, group	0.10	0.04	0.04	0.01	0.15	0.15	XXX
96154		A	Interv hlth/behav, fam w/pt	0.45	0.17	0.16	0.02	0.64	0.63	XXX
96155		N	Interv hlth/behav fam no pt	+0.44	0.18	0.17	0.02	0.64	0.63	XXX
96400		A	Chemotherapy, sc/im	0.17	1.12	NA	0.01	1.30	NA	XXX
96405		A	Intralesional chemo admin	0.52	2.35	0.24	0.02	2.89	0.78	000
96406		A	Intralesional chemo admin	0.80	3.10	0.30	0.02	3.92	1.12	000
96408		A	Chemotherapy, push technique	0.17	2.91	NA	0.06	3.14	NA	XXX
96410		A	Chemotherapy,infusion method	0.17	4.16	NA	0.08	4.41	NA	XXX
96412		A	Chemo, infuse method add-on	0.17	0.74	NA	0.07	0.98	NA	ZZZ
96414		A	Chemo, infuse method add-on	0.17	5.22	NA	0.08	5.47	NA	XXX
96420		A	Chemotherapy, push technique	0.17	2.81	NA	0.08	3.06	NA	XXX
96422		A	Chemotherapy,infusion method	0.17	5.19	NA	0.08	5.44	NA	XXX
96423		A	Chemo, infuse method add-on	0.17	1.96	NA	0.02	2.15	NA	ZZZ
96425		A	Chemotherapy,infusion method	0.17	4.73	NA	0.08	4.98	NA	XXX
96440		A	Chemotherapy, intracavitary	2.37	8.42	1.24	0.14	10.93	3.75	000
96445		A	Chemotherapy, intracavitary	2.20	8.54	1.19	0.08	10.82	3.47	000
96450		A	Chemotherapy, into CNS	1.89	7.32	1.10	0.07	9.28	3.06	000
96520		A	Port pump refill & main	0.17	3.94	NA	0.06	4.17	NA	XXX
96530		A	Syst pump refill & main	0.17	2.86	NA	0.06	3.09	NA	XXX
96542		A	Chemotherapy injection	1.42	4.43	0.66	0.06	5.91	2.14	XXX
96545		B	Provide chemotherapy agent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96549		C	Chemotherapy, unspecified	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96567		A	Photodynamic tx, skin	0.00	0.98	NA	0.04	1.02	NA	XXX
96570		A	Photodynamic tx, 30 min	1.10	NA	0.37	0.05	NA	1.52	ZZZ
96571		A	Photodynamic tx, addl 15 min	0.55	NA	0.20	0.02	NA	0.77	ZZZ
96900		A	Ultraviolet light therapy	0.00	0.48	NA	0.02	0.50	NA	XXX
96902		B	Trichogram	+0.41	0.25	0.16	0.01	0.67	0.58	XXX
96910		A	Photochemotherapy with UV-B	0.00	1.07	NA	0.04	1.11	NA	XXX
96912		A	Photochemotherapy with UV-A	0.00	1.34	NA	0.05	1.39	NA	XXX
96913		A	Photochemotherapy, UV-A or B	0.00	1.78	NA	0.10	1.88	NA	XXX
96920		A	Laser tx, skin < 250 sq cm	1.15	7.67	0.56	0.11	8.93	1.82	000
96921		A	Laser tx, skin 250-500 sq cm	1.17	7.74	0.57	0.11	9.02	1.85	000
96922		A	Laser tx, skin > 500 sq cm	2.10	8.48	1.04	0.19	10.77	3.33	000
96999		C	Dermatological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97001		A	Pt evaluation	1.20	0.73	0.45	0.06	1.99	1.71	XXX
97002		A	Pt re-evaluation	0.60	0.43	0.24	0.02	1.05	0.86	XXX
97003		A	Ot evaluation	1.20	0.86	0.40	0.06	2.12	1.66	XXX
97004		A	Ot re-evaluation	0.60	0.60	0.20	0.02	1.22	0.82	XXX
97005		I	Athletic train eval	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97006		I	Athletic train reeval	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97010		B	Hot or cold packs therapy	+0.06	0.05	NA	0.01	0.12	NA	XXX
97012		A	Mechanical traction therapy	0.25	0.14	NA	0.01	0.40	NA	XXX
97014		I	Electric stimulation therapy	+0.18	0.19	0.19	0.01	0.38	0.38	XXX
97016		A	Vasopneumatic device therapy	0.18	0.19	NA	0.01	0.38	NA	XXX
97018		A	Paraffin bath therapy	0.06	0.11	NA	0.01	0.18	NA	XXX
97020		A	Microwave therapy	0.06	0.06	NA	0.01	0.13	NA	XXX
97022		A	Whirlpool therapy	0.17	0.22	NA	0.01	0.40	NA	XXX
97024		A	Diathermy treatment	0.06	0.09	NA	0.01	0.16	NA	XXX
97026		A	Infrared therapy	0.06	0.06	NA	0.01	0.13	NA	XXX
97028		A	Ultraviolet therapy	0.08	0.07	NA	0.01	0.16	NA	XXX
97032		A	Electrical stimulation	0.25	0.16	NA	0.01	0.42	NA	XXX
97033		A	Electric current therapy	0.26	0.28	NA	0.02	0.56	NA	XXX
97034		A	Contrast bath therapy	0.21	0.16	NA	0.01	0.38	NA	XXX
97035		A	Ultrasound therapy	0.21	0.11	NA	0.01	0.33	NA	XXX
97036		A	Hydrotherapy	0.28	0.33	NA	0.01	0.62	NA	XXX
97039		A	Physical therapy treatment	0.20	0.10	NA	0.01	0.31	NA	XXX
97110		A	Therapeutic exercises	0.45	0.28	NA	0.04	0.77	NA	XXX
97112		A	Neuromuscular reeducation	0.45	0.30	NA	0.02	0.77	NA	XXX
97113		A	Aquatic therapy/exercises	0.44	0.40	NA	0.04	0.88	NA	XXX
97116		A	Gait training therapy	0.40	0.24	NA	0.02	0.66	NA	XXX
97124		A	Massage therapy	0.35	0.23	NA	0.01	0.59	NA	XXX
97139		A	Physical medicine procedure	0.21	0.20	NA	0.01	0.42	NA	XXX
97140		A	Manual therapy	0.43	0.26	NA	0.02	0.71	NA	XXX
97150		A	Group therapeutic procedures	0.27	0.18	NA	0.02	0.47	NA	XXX
97504		A	Orthotic training	0.45	0.33	NA	0.04	0.82	NA	XXX
97520		A	Prosthetic training	0.45	0.28	NA	0.02	0.75	NA	XXX
97530		A	Therapeutic activities	0.44	0.32	NA	0.02	0.78	NA	XXX
97532		A	Cognitive skills development	0.44	0.21	NA	0.01	0.66	NA	XXX
97533		A	Sensory integration	0.44	0.24	NA	0.01	0.69	NA	XXX
97535		A	Self care mngment training	0.45	0.33	NA	0.02	0.80	NA	XXX
97537		A	Community/work reintegration	0.45	0.27	NA	0.01	0.73	NA	XXX
97542		A	Wheelchair mngment training	0.45	0.28	NA	0.01	0.74	NA	XXX
97545		R	Work hardening	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
97546		R	Work hardening add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
97601		A	Wound(s) care, selective	0.50	0.49	NA	0.05	1.04	NA	XXX
97602		B	Wound(s) care non-selective	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97703		A	Prosthetic checkout	0.25	0.41	NA	0.02	0.68	NA	XXX
97750		A	Physical performance test	0.45	0.30	NA	0.02	0.77	NA	XXX
97755		A	Assistive technology assess	0.62	0.29	NA	0.02	0.93	NA	XXX
97780		N	Acupuncture w/o stimul	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97781		N	Acupuncture w/stimul	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97799		C	Physical medicine procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97802		A	Medical nutrition, indiv, in	0.00	0.47	NA	0.01	0.48	NA	XXX
97803		A	Med nutrition, indiv, subseq	0.00	0.47	NA	0.01	0.48	NA	XXX
97804		A	Medical nutrition, group	0.00	0.19	NA	0.01	0.20	NA	XXX
98925		A	Osteopathic manipulation	0.45	0.33	0.14	0.01	0.79	0.60	000
98926		A	Osteopathic manipulation	0.65	0.42	0.25	0.02	1.09	0.92	000
98927		A	Osteopathic manipulation	0.87	0.51	0.30	0.04	1.42	1.21	000
98928		A	Osteopathic manipulation	1.03	0.60	0.35	0.04	1.67	1.42	000
98929		A	Osteopathic manipulation	1.19	0.68	0.37	0.05	1.92	1.61	000
98940		A	Chiropractic manipulation	0.45	0.24	0.12	0.01	0.70	0.58	000
98941		A	Chiropractic manipulation	0.65	0.30	0.18	0.02	0.97	0.85	000
98942		A	Chiropractic manipulation	0.87	0.36	0.24	0.04	1.27	1.15	000
98943		N	Chiropractic manipulation	+0.40	0.24	0.16	0.01	0.65	0.57	XXX
99000		B	Specimen handling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99001		B	Specimen handling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99002		B	Device handling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99024		B	Postop follow-up visit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99025		F	Initial surgical evaluation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99026		N	In-hospital on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99027		N	Out-of-hosp on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99050		B	Medical services after hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99052		B	Medical services at night	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99054		B	Medical servcs, unusual hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99056		B	Non-office medical services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99058		B	Office emergency care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99070		B	Special supplies	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99071		B	Patient education materials	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99075		N	Medical testimony	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99078		B	Group health education	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99080		B	Special reports or forms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99082		C	Unusual physician travel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99090		B	Computer data analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99091		B	Collect/review data from pt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99100		B	Special anesthesia service	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99116		B	Anesthesia with hypothermia	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99135		B	Special anesthesia procedure	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99140		B	Emergency anesthesia	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99141		B	Sedation, iv/im or inhalant	+0.80	1.92	0.38	0.05	2.77	1.23	XXX
99142		B	Sedation, oral/rectal/nasal	+0.60	0.99	0.31	0.04	1.63	0.95	XXX
99170		A	Anogenital exam, child	1.75	1.72	0.52	0.08	3.55	2.35	000
99172		N	Ocular function screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99173		N	Visual acuity screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99175		A	Induction of vomiting	0.00	1.40	NA	0.10	1.50	NA	XXX
99183		A	Hyperbaric oxygen therapy	2.34	4.75	0.72	0.14	7.23	3.20	XXX
99185		A	Regional hypothermia	0.00	0.64	NA	0.04	0.68	NA	XXX
99186		A	Total body hypothermia	0.00	1.79	NA	0.45	2.24	NA	XXX
99190		X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99191		X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99192		X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99195		A	Phlebotomy	0.00	0.44	NA	0.02	0.46	NA	XXX
99199		C	Special service/proc/report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99201		A	Office/outpatient visit, new	0.45	0.50	0.16	0.02	0.97	0.63	XXX
99202		A	Office/outpatient visit, new	0.88	0.79	0.32	0.06	1.73	1.26	XXX
99203		A	Office/outpatient visit, new	1.34	1.13	0.48	0.10	2.57	1.92	XXX
99204		A	Office/outpatient visit, new	2.00	1.51	0.71	0.12	3.63	2.83	XXX
99205		A	Office/outpatient visit, new	2.67	1.80	0.95	0.14	4.61	3.76	XXX
99211		A	Office/outpatient visit, est	0.17	0.39	0.06	0.01	0.57	0.24	XXX
99212		A	Office/outpatient visit, est	0.45	0.54	0.16	0.02	1.01	0.63	XXX
99213		A	Office/outpatient visit, est	0.67	0.70	0.24	0.04	1.41	0.95	XXX
99214		A	Office/outpatient visit, est	1.10	1.05	0.40	0.05	2.20	1.55	XXX
99215		A	Office/outpatient visit, est	1.77	1.34	0.65	0.08	3.19	2.50	XXX
99217		A	Observation care discharge	1.28	NA	0.53	0.06	NA	1.87	XXX
99218		A	Observation care	1.28	NA	0.43	0.06	NA	1.77	XXX
99219		A	Observation care	2.14	NA	0.72	0.10	NA	2.96	XXX
99220		A	Observation care	2.99	NA	1.03	0.13	NA	4.15	XXX
99221		A	Initial hospital care	1.28	NA	0.45	0.06	NA	1.79	XXX
99222		A	Initial hospital care	2.14	NA	0.74	0.10	NA	2.98	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
99223		A	Initial hospital care	2.99	NA	1.04	0.12	NA	4.15	XXX
99231		A	Subsequent hospital care	0.64	NA	0.23	0.02	NA	0.89	XXX
99232		A	Subsequent hospital care	1.06	NA	0.37	0.04	NA	1.47	XXX
99233		A	Subsequent hospital care	1.51	NA	0.52	0.06	NA	2.09	XXX
99234		A	Observ/hosp same date	2.56	NA	1.00	0.13	NA	3.69	XXX
99235		A	Observ/hosp same date	3.41	NA	1.29	0.16	NA	4.86	XXX
99236		A	Observ/hosp same date	4.26	NA	1.59	0.21	NA	6.06	XXX
99238		A	Hospital discharge day	1.28	NA	0.54	0.05	NA	1.87	XXX
99239		A	Hospital discharge day	1.75	NA	0.74	0.06	NA	2.55	XXX
99241		A	Office consultation	0.64	0.65	0.22	0.05	1.34	0.91	XXX
99242		A	Office consultation	1.29	1.05	0.46	0.11	2.45	1.86	XXX
99243		A	Office consultation	1.72	1.39	0.63	0.12	3.23	2.47	XXX
99244		A	Office consultation	2.58	1.83	0.92	0.16	4.57	3.66	XXX
99245		A	Office consultation	3.42	2.29	1.24	0.19	5.90	4.85	XXX
99251		A	Initial inpatient consult	0.66	NA	0.25	0.05	NA	0.96	XXX
99252		A	Initial inpatient consult	1.32	NA	0.50	0.10	NA	1.92	XXX
99253		A	Initial inpatient consult	1.82	NA	0.68	0.11	NA	2.61	XXX
99254		A	Initial inpatient consult	2.64	NA	0.99	0.13	NA	3.76	XXX
99255		A	Initial inpatient consult	3.64	NA	1.35	0.18	NA	5.17	XXX
99261		A	Follow-up inpatient consult	0.42	NA	0.16	0.02	NA	0.60	XXX
99262		A	Follow-up inpatient consult	0.85	NA	0.31	0.04	NA	1.20	XXX
99263		A	Follow-up inpatient consult	1.27	NA	0.45	0.05	NA	1.77	XXX
99271		A	Confirmatory consultation	0.45	0.55	0.16	0.04	1.04	0.65	XXX
99272		A	Confirmatory consultation	0.84	0.82	0.31	0.07	1.73	1.22	XXX
99273		A	Confirmatory consultation	1.19	1.10	0.44	0.08	2.37	1.71	XXX
99274		A	Confirmatory consultation	1.73	1.36	0.64	0.11	3.20	2.48	XXX
99275		A	Confirmatory consultation	2.31	1.64	0.84	0.12	4.07	3.27	XXX
99281		A	Emergency dept visit	0.33	NA	0.09	0.02	NA	0.44	XXX
99282		A	Emergency dept visit	0.55	NA	0.15	0.04	NA	0.74	XXX
99283		A	Emergency dept visit	1.24	NA	0.31	0.10	NA	1.65	XXX
99284		A	Emergency dept visit	1.95	NA	0.47	0.14	NA	2.56	XXX
99285		A	Emergency dept visit	3.06	NA	0.72	0.23	NA	4.01	XXX
99288		B	Direct advanced life support	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99289		A	Ped crit care transport	4.79	NA	1.91	0.17	NA	6.87	XXX
99290		A	Ped crit care transport addl	2.40	NA	0.83	0.08	NA	3.31	ZZZ
99291		A	Critical care, first hour	3.99	2.34	1.28	0.17	6.50	5.44	XXX
99292		A	Critical care, add'l 30 min	2.00	0.81	0.64	0.08	2.89	2.72	ZZZ
99293		A	Ped critical care, initial	15.98	NA	4.96	0.84	NA	21.78	XXX
99294		A	Ped critical care, subseq	7.99	NA	2.49	0.28	NA	10.76	XXX
99295		A	Neonate crit care, initial	18.46	NA	5.39	0.84	NA	24.69	XXX
99296		A	Neonate critical care subseq	7.99	NA	2.55	0.28	NA	10.82	XXX
99298		A	Ic for lbw infant < 1500 gm	2.75	NA	0.93	0.12	NA	3.80	XXX
99299		A	Ic, lbw infant 1500-2500 gm	2.50	NA	0.95	0.12	NA	3.57	XXX
99301		A	Nursing facility care	1.20	0.67	0.40	0.05	1.92	1.65	XXX
99302		A	Nursing facility care	1.61	0.95	0.54	0.06	2.62	2.21	XXX
99303		A	Nursing facility care	2.01	1.16	0.67	0.07	3.24	2.75	XXX
99311		A	Nursing fac care, subseq	0.60	0.47	0.20	0.02	1.09	0.82	XXX
99312		A	Nursing fac care, subseq	1.00	0.65	0.34	0.04	1.69	1.38	XXX
99313		A	Nursing fac care, subseq	1.42	0.84	0.47	0.05	2.31	1.94	XXX
99315		A	Nursing fac discharge day	1.13	0.70	0.37	0.05	1.88	1.55	XXX
99316		A	Nursing fac discharge day	1.50	0.90	0.51	0.06	2.46	2.07	XXX
99321		A	Rest home visit, new patient	0.71	0.35	NA	0.02	1.08	NA	XXX
99322		A	Rest home visit, new patient	1.01	0.46	NA	0.04	1.51	NA	XXX
99323		A	Rest home visit, new patient	1.28	0.55	NA	0.05	1.88	NA	XXX
99331		A	Rest home visit, est pat	0.60	0.32	NA	0.02	0.94	NA	XXX
99332		A	Rest home visit, est pat	0.80	0.38	NA	0.04	1.22	NA	XXX
99333		A	Rest home visit, est pat	1.00	0.45	NA	0.04	1.49	NA	XXX
99341		A	Home visit, new patient	1.01	0.48	NA	0.06	1.55	NA	XXX
99342		A	Home visit, new patient	1.52	0.68	NA	0.06	2.26	NA	XXX
99343		A	Home visit, new patient	2.27	0.95	NA	0.08	3.30	NA	XXX
99344		A	Home visit, new patient	3.03	1.18	NA	0.12	4.33	NA	XXX
99345		A	Home visit, new patient	3.78	1.44	NA	0.14	5.36	NA	XXX
99347		A	Home visit, est patient	0.76	0.39	NA	0.04	1.19	NA	XXX
99348		A	Home visit, est patient	1.26	0.71	NA	0.05	2.02	NA	XXX
99349		A	Home visit, est patient	2.02	1.04	NA	0.07	3.13	NA	XXX
99350		A	Home visit, est patient	3.03	1.40	NA	0.12	4.55	NA	XXX
99354		A	Prolonged service, office	1.77	0.75	0.66	0.07	2.59	2.50	ZZZ
99355		A	Prolonged service, office	1.77	0.73	0.62	0.07	2.57	2.46	ZZZ
99356		A	Prolonged service, inpatient	1.71	NA	0.62	0.07	NA	2.40	ZZZ
99357		A	Prolonged service, inpatient	1.71	NA	0.63	0.07	NA	2.41	ZZZ
99358		B	Prolonged serv, w/o contact	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99359		B	Prolonged serv, w/o contact	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99360		X	Physician standby services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99361		B	Physician/team conference	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99362		B	Physician/team conference	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
99371		B	Physician phone consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99372		B	Physician phone consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99373		B	Physician phone consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99374		B	Home health care supervision	+1.10	0.70	0.41	0.05	1.85	1.56	XXX
99375		I	Home health care supervision	+1.73	1.55	1.55	0.07	3.35	3.35	XXX
99377		B	Hospice care supervision	+1.10	0.70	0.41	0.05	1.85	1.56	XXX
99378		I	Hospice care supervision	+1.73	1.94	1.94	0.07	3.74	3.74	XXX
99379		B	Nursing fac care supervision	+1.10	0.70	0.70	0.04	1.84	1.84	XXX
99380		B	Nursing fac care supervision	+1.73	1.00	1.00	0.06	2.79	2.79	XXX
99381		N	Prev visit, new, infant	+1.19	1.50	0.45	0.05	2.74	1.69	XXX
99382		N	Prev visit, new, age 1-4	+1.36	1.54	0.52	0.05	2.95	1.93	XXX
99383		N	Prev visit, new, age 5-11	+1.36	1.48	0.52	0.05	2.89	1.93	XXX
99384		N	Prev visit, new, age 12-17	+1.53	1.55	0.59	0.06	3.14	2.18	XXX
99385		N	Prev visit, new, age 18-39	+1.53	1.55	0.59	0.06	3.14	2.18	XXX
99386		N	Prev visit, new, age 40-64	+1.88	1.74	0.72	0.07	3.69	2.67	XXX
99387		N	Prev visit, new, 65 & over	+2.06	1.87	0.79	0.07	4.00	2.92	XXX
99391		N	Prev visit, est, infant	+1.02	1.02	0.39	0.04	2.08	1.45	XXX
99392		N	Prev visit, est, age 1-4	+1.19	1.09	0.45	0.05	2.33	1.69	XXX
99393		N	Prev visit, est, age 5-11	+1.19	1.06	0.45	0.05	2.30	1.69	XXX
99394		N	Prev visit, est, age 12-17	+1.36	1.13	0.52	0.05	2.54	1.93	XXX
99395		N	Prev visit, est, age 18-39	+1.36	1.16	0.52	0.05	2.57	1.93	XXX
99396		N	Prev visit, est, age 40-64	+1.53	1.25	0.59	0.06	2.84	2.18	XXX
99397		N	Prev visit, est, 65 & over	+1.71	1.36	0.66	0.06	3.13	2.43	XXX
99401		N	Preventive counseling, indiv	+0.48	0.62	0.19	0.01	1.11	0.68	XXX
99402		N	Preventive counseling, indiv	+0.98	0.87	0.37	0.02	1.87	1.37	XXX
99403		N	Preventive counseling, indiv	+1.46	1.09	0.56	0.04	2.59	2.06	XXX
99404		N	Preventive counseling, indiv	+1.95	1.32	0.75	0.05	3.32	2.75	XXX
99411		N	Preventive counseling, group	+0.15	0.18	0.06	0.01	0.34	0.22	XXX
99412		N	Preventive counseling, group	+0.25	0.25	0.10	0.01	0.51	0.36	XXX
99420		N	Health risk assessment test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99429		N	Unlisted preventive service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99431		A	Initial care, normal newborn	1.17	NA	0.38	0.05	NA	1.60	XXX
99432		A	Newborn care, not in hosp	1.26	0.90	0.40	0.07	2.23	1.73	XXX
99433		A	Normal newborn care/hospital	0.62	NA	0.20	0.02	NA	0.84	XXX
99435		A	Newborn discharge day hosp	1.50	NA	0.50	0.06	NA	2.06	XXX
99436		A	Attendance, birth	1.50	NA	0.46	0.06	NA	2.02	XXX
99440		A	Newborn resuscitation	2.93	NA	0.94	0.13	NA	4.00	XXX
99450		N	Life/disability evaluation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99455		R	Disability examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99456		R	Disability examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99499		C	Unlisted e&m service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99500		I	Home visit, prenatal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99501		I	Home visit, postnatal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99502		I	Home visit, nb care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99503		I	Home visit, resp therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99504		I	Home visit mech ventilator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99505		I	Home visit, stoma care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99506		I	Home visit, im injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99507		I	Home visit, cath maintain	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99509		I	Home visit day life activity	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99510		I	Home visit, sing/m/fam couns	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99511		I	Home visit, fecal/enema mgmt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99512		I	Home visit for hemodialysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99551		F	Home infus, pain mgmt, iv/sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99552		F	Hm infus pain mgmt, epid/ith	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99553		F	Home infuse, tocolytic tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99554		F	Home infus, hormone/platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99555		F	Home infuse, chemotheraphy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99556		F	Home infus, antibio/fung/vir	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99557		F	Home infuse, anticoagulant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99558		F	Home infuse, immunotherapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99559		F	Home infus, periton dialysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99560		F	Home infus, entero nutrition	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99561		F	Home infuse, hydration tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99562		F	Home infus, parent nutrition	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99563		F	Home admin, pentamidine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99564		F	Hme infus, antihemophil agnt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99565		F	Home infus, proteinase inhib	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99566		F	Home infuse, iv therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99567		F	Home infuse, sympath agent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99568		F	Home infus, misc drug, daily	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99569		F	Home infuse, each addl tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99600		I	Home visit nos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99601		I	Home infusion/visit, 2 hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99602		I	Home infusion, each addtl hr	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
A4890		R	Repair/maint cont hemo equip	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0150		R	Comprehensve oral evaluation	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0240		R	Intraoral occlusal film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0250		R	Extraoral first film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0260		R	Extraoral ea additional film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0270		R	Dental bitewing single film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0272		R	Dental bitewings two films	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0274		R	Dental bitewings four films	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0277		R	Vert bitewings-sev to eight	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0460		R	Pulp vitality test	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0472		R	Gross exam, prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0473		R	Micro exam, prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0474		R	Micro w exam of surg margins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0480		R	Cytopath smear prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0502		R	Other oral pathology procedu	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0999		R	Unspecified diagnostic proce	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1510		R	Space maintainer fxd unilat	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1515		R	Fixed bilat space maintainer	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1520		R	Remove unilat space maintain	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1525		R	Remove bilat space maintain	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1550		R	Recement space maintainer	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D2970		R	Temporary- fractured tooth	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D2999		R	Dental unspec restorative pr	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D3460		R	Endodontic endosseous implan	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D3999		R	Endodontic procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4260		R	Osseous surgery per quadrant	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4263		R	Bone replce graft first site	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4264		R	Bone replce graft each add	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4268		R	Surgical revision procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4270		R	Pedicle soft tissue graft pr	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4271		R	Free soft tissue graft proc	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4273		R	Subepithelial tissue graft	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4355		R	Full mouth debridement	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4381		R	Localized chemo delivery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5911		R	Facial moulage sectional	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5912		R	Facial moulage complete	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5951		R	Feeding aid	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5983		R	Radiation applicator	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5984		R	Radiation shield	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5985		R	Radiation cone locator	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5987		R	Commissure splint	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D6920		R	Dental connector bar	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7111		R	Coronal remnants deciduous t	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7140		R	Extraction erupted tooth/exr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7210		R	Rem imp tooth w mucoper flp	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7220		R	Impact tooth remov soft tiss	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7230		R	Impact tooth remov part bony	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7240		R	Impact tooth remov comp bony	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7241		R	Impact tooth rem bony w/comp	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7250		R	Tooth root removal	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7260		R	Oral antral fistula closure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7261		R	Primary closure sinus perf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7291		R	Transseptal fiberotomy	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7940		R	Reshaping bone orthognathic	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9110		R	Tx dental pain minor proc	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9230		R	Analgesia	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9248		R	Sedation (non-iv)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9630		R	Other drugs/medicaments	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9930		R	Treatment of complications	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9940		R	Dental occlusal guard	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9950		R	Occlusion analysis	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9951		R	Limited occlusal adjustment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9952		R	Complete occlusal adjustment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0001		X	Drawing blood for specimen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0008		X	Admin influenza virus vac	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0009		X	Admin pneumococcal vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0010		X	Admin hepatitis b vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0027		X	Semen analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030		C	PET imaging prev PET single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030	26	A	PET imaging prev PET single	1.50	0.58	0.58	0.05	2.13	2.13	XXX
G0030	TC	C	PET imaging prev PET single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031		C	PET imaging prev PET multple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031	26	A	PET imaging prev PET multple	1.87	0.72	0.72	0.07	2.66	2.66	XXX
G0031	TC	C	PET imaging prev PET multple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032		C	PET follow SPECT 78464 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
G0032	26	A	PET follow SPECT 78464 singl	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0032	TC	C	PET follow SPECT 78464 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033		C	PET follow SPECT 78464 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033	26	A	PET follow SPECT 78464 mult	1.87	0.74	0.74	0.07	2.68	2.68	XXX
G0033	TC	C	PET follow SPECT 78464 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034		C	PET follow SPECT 76865 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034	26	A	PET follow SPECT 76865 singl	1.50	0.57	0.57	0.06	2.13	2.13	XXX
G0034	TC	C	PET follow SPECT 76865 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035		C	PET follow SPECT 78465 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035	26	A	PET follow SPECT 78465 mult	1.87	0.73	0.73	0.07	2.67	2.67	XXX
G0035	TC	C	PET follow SPECT 78465 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036		C	PET follow cornry angio sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036	26	A	PET follow cornry angio sing	1.50	0.56	0.56	0.05	2.11	2.11	XXX
G0036	TC	C	PET follow cornry angio sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037		C	PET follow cornry angio mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037	26	A	PET follow cornry angio mult	1.87	0.71	0.71	0.07	2.65	2.65	XXX
G0037	TC	C	PET follow cornry angio mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038		C	PET follow myocard perf sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038	26	A	PET follow myocard perf sing	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0038	TC	C	PET follow myocard perf sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039		C	PET follow myocard perf mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039	26	A	PET follow myocard perf mult	1.87	0.71	0.71	0.08	2.66	2.66	XXX
G0039	TC	C	PET follow myocard perf mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040		C	PET follow stress echo singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040	26	A	PET follow stress echo singl	1.50	0.59	0.59	0.05	2.14	2.14	XXX
G0040	TC	C	PET follow stress echo singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041		C	PET follow stress echo mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041	26	A	PET follow stress echo mult	1.87	0.73	0.73	0.06	2.66	2.66	XXX
G0041	TC	C	PET follow stress echo mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042		C	PET follow ventriculogm sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042	26	A	PET follow ventriculogm sing	1.50	0.61	0.61	0.05	2.16	2.16	XXX
G0042	TC	C	PET follow ventriculogm sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043		C	PET follow ventriculogm mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043	26	A	PET follow ventriculogm mult	1.87	0.75	0.75	0.07	2.69	2.69	XXX
G0043	TC	C	PET follow ventriculogm mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044		C	PET following rest ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044	26	A	PET following rest ECG singl	1.50	0.59	0.59	0.05	2.14	2.14	XXX
G0044	TC	C	PET following rest ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045		C	PET following rest ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045	26	A	PET following rest ECG mult	1.87	0.72	0.72	0.07	2.66	2.66	XXX
G0045	TC	C	PET following rest ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046		C	PET follow stress ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046	26	A	PET follow stress ECG singl	1.50	0.59	0.59	0.05	2.14	2.14	XXX
G0046	TC	C	PET follow stress ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047		C	PET follow stress ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047	26	A	PET follow stress ECG mult	1.87	0.73	0.73	0.07	2.67	2.67	XXX
G0047	TC	C	PET follow stress ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0101		A	CA screen;pelvic/breast exam	0.45	0.52	0.17	0.01	0.98	0.63	XXX
G0102		A	Prostate ca screening; dre	0.17	0.39	0.06	0.01	0.57	0.24	XXX
G0103		X	Psa, total screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0104		A	CA screen;flexi sigmoidscope	0.96	2.20	0.52	0.06	3.22	1.54	000
G0105		A	Colorectal scrn; hi risk ind	3.69	6.04	1.58	0.24	9.97	5.51	000
G0105	53	A	Colorectal scrn; hi risk ind	0.96	2.20	0.52	0.06	3.22	1.54	000
G0106		A	Colon CA screen;barium enema	0.99	2.57	NA	0.18	3.74	NA	XXX
G0106	26	A	Colon CA screen;barium enema	0.99	0.33	0.33	0.05	1.37	1.37	XXX
G0106	TC	A	Colon CA screen;barium enema	0.00	2.24	NA	0.13	2.37	NA	XXX
G0107		X	CA screen; fecal blood test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0108		A	Diab manage trn per indiv	0.00	0.84	NA	0.01	0.85	NA	XXX
G0109		A	Diab manage trn ind/group	0.00	0.48	NA	0.01	0.49	NA	XXX
G0110		R	Nett pulm-rehab educ; ind	0.90	0.70	0.30	0.04	1.64	1.24	XXX
G0111		R	Nett pulm-rehab educ; group	0.27	0.29	0.14	0.01	0.57	0.42	XXX
G0112		R	Nett;nutrition guid, initial	1.72	1.20	0.66	0.06	2.98	2.44	XXX
G0113		R	Nett;nutrition guid,subseqnt	1.29	0.83	0.41	0.05	2.17	1.75	XXX
G0114		R	Nett; psychosocial consult	1.20	0.49	0.37	0.04	1.73	1.61	XXX
G0115		R	Nett; psychological testing	1.20	0.64	0.37	0.05	1.89	1.62	XXX
G0116		R	Nett; psychosocial counsel	1.11	1.01	0.34	0.05	2.17	1.50	XXX
G0117		T	Glaucoma scrn hgh risk direc	0.45	0.71	0.19	0.02	1.18	0.66	XXX
G0118		T	Glaucoma scrn hgh risk direc	0.17	0.52	0.07	0.01	0.70	0.25	XXX
G0120		A	Colon ca scrn; barium enema	0.99	2.57	NA	0.18	3.74	NA	XXX
G0120	26	A	Colon ca scrn; barium enema	0.99	0.33	0.33	0.05	1.37	1.37	XXX
G0120	TC	A	Colon ca scrn; barium enema	0.00	2.24	NA	0.13	2.37	NA	XXX
G0121		A	Colon ca scrn not hi rsk ind	3.69	6.04	1.58	0.24	9.97	5.51	000
G0121	53	A	Colon ca scrn not hi rsk ind	0.96	2.20	0.52	0.06	3.22	1.54	000
G0122		N	Colon ca scrn; barium enema	+0.99	2.57	2.57	0.18	3.74	3.74	XXX
G0122	26	N	Colon ca scrn; barium enema	+0.99	0.38	0.38	0.05	1.42	1.42	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
G0122	TC	N	Colon ca scrn; barium enema	+0.00	2.19	2.19	0.13	2.32	2.32	XXX
G0123		X	Screen cerv/vag thin layer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0124		A	Screen c/v thin layer by MD	0.42	0.18	0.18	0.01	0.61	0.61	XXX
G0125		C	PET image pulmonary nodule	0.00	0.00	NA	0.00	0.00	NA	XXX
G0125	26	A	PET image pulmonary nodule	1.50	0.52	0.52	0.06	2.08	2.08	XXX
G0125	TC	C	PET image pulmonary nodule	0.00	0.00	NA	0.00	0.00	NA	XXX
G0127		R	Trim nail(s)	0.17	0.25	0.07	0.01	0.43	0.25	000
G0128		R	CORF skilled nursing service	0.08	0.03	0.03	0.01	0.12	0.12	XXX
G0130		A	Single energy x-ray study	0.22	0.88	NA	0.06	1.16	NA	XXX
G0130	26	A	Single energy x-ray study	0.22	0.07	0.07	0.01	0.30	0.30	XXX
G0130	TC	A	Single energy x-ray study	0.00	0.81	NA	0.05	0.86	NA	XXX
G0141		A	Scr c/v cyto,autosys and md	0.42	0.18	0.18	0.01	0.61	0.61	XXX
G0143		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0144		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0145		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0147		X	Scr c/v cyto, automated sys	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0148		X	Scr c/v cyto, autosys, rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0166		A	Extrnl counterpulse, per tx	0.07	3.58	0.03	0.01	3.66	0.11	XXX
G0167		D	Hyperbaric oz tx;no md reqrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0168		A	Wound closure by adhesive	0.45	1.92	0.16	0.01	2.38	0.62	000
G0173		X	Stereo radoisurgery,complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0175		X	OPPS Service,sched team conf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0176		X	OPPS/PHP;activity therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0177		X	OPPS/PHP; train & educ serv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0179		A	MD recertification HHA PT	0.45	1.07	NA	0.01	1.53	NA	XXX
G0180		A	MD certification HHA patient	0.67	1.29	NA	0.02	1.98	NA	XXX
G0181		A	Home health care supervision	1.73	1.52	NA	0.07	3.32	NA	XXX
G0182		A	Hospice care supervision	1.73	1.71	NA	0.07	3.51	NA	XXX
G0186		C	Dstry eye lesn,fdr vssl tech	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0202		A	Screeningmammographydigital	0.70	2.79	NA	0.11	3.60	NA	XXX
G0202	26	A	Screeningmammographydigital	0.70	0.23	0.23	0.04	0.97	0.97	XXX
G0202	TC	A	Screeningmammographydigital	0.00	2.56	NA	0.07	2.63	NA	XXX
G0204		A	Diagnosticmammographydigital	0.87	2.81	NA	0.12	3.80	NA	XXX
G0204	26	A	Diagnosticmammographydigital	0.87	0.29	0.29	0.05	1.21	1.21	XXX
G0204	TC	A	Diagnosticmammographydigital	0.00	2.52	NA	0.07	2.59	NA	XXX
G0206		A	Diagnosticmammographydigital	0.70	2.25	NA	0.11	3.06	NA	XXX
G0206	26	A	Diagnosticmammographydigital	0.70	0.23	0.23	0.05	0.98	0.98	XXX
G0206	TC	A	Diagnosticmammographydigital	0.00	2.02	NA	0.06	2.08	NA	XXX
G0210		C	PET img wholebody dxlung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0210	26	A	PET img wholebody dxlung	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0210	TC	C	PET img wholebody dxlung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211		C	PET img wholbody init lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211	26	A	PET img wholbody init lung	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0211	TC	C	PET img wholbody init lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212		C	PET img wholebod restag lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212	26	A	PET img wholebod restag lung	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0212	TC	C	PET img wholebod restag lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213		C	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213	26	A	PET img wholbody dx	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0213	TC	C	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214		C	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214	26	A	PET img wholebod init	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0214	TC	C	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215		C	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215	26	A	PETimg wholebod restag	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0215	TC	C	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216		C	PET img wholebod dx melanoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216	26	A	PET img wholebod dx melanoma	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0216	TC	C	PET img wholebod dx melanoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217		C	PET img wholebod init melan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217	26	A	PET img wholebod init melan	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0217	TC	C	PET img wholebod init melan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218		C	PET img wholebod restag mela	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218	26	A	PET img wholebod restag mela	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0218	TC	C	PET img wholebod restag mela	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0219		N	PET img wholbod melano nonco	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0219	26	N	PET img wholbod melano nonco	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0219	TC	N	PET img wholbod melano nonco	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220		C	PET img wholebod dx lymphoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220	26	A	PET img wholebod dx lymphoma	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0220	TC	C	PET img wholebod dx lymphoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221		C	PET imag wholbod init lympho	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221	26	A	PET imag wholbod init lympho	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0221	TC	C	PET imag wholbod init lympho	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222		C	PET imag wholbod resta lymph	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
G0222	26	A	PET imag wholbod resta lymph	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0222	TC	C	PET imag wholbod resta lymph	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223		C	PET imag wholbod reg dx head	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223	26	A	PET imag wholbod reg dx head	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0223	TC	C	PET imag wholbod reg dx head	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224		C	PET imag wholbod reg ini hea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224	26	A	PET imag wholbod reg ini hea	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0224	TC	C	PET imag wholbod reg ini hea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225		C	PET whol restag headneckonly	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225	26	A	PET whol restag headneckonly	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0225	TC	C	PET whol restag headneckonly	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226		C	PET img wholbody dx esophagl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226	26	A	PET img wholbody dx esophagl	1.50	0.53	0.53	0.05	2.08	2.08	XXX
G0226	TC	C	PET img wholbody dx esophagl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227		C	PET img wholbod ini esophage	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227	26	A	PET img wholbod ini esophage	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0227	TC	C	PET img wholbod ini esophage	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228		C	PET img wholbod restg esopha	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228	26	A	PET img wholbod restg esopha	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0228	TC	C	PET img wholbod restg esopha	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229		C	PET img metaboloc brain pres	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229	26	A	PET img metaboloc brain pres	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0229	TC	C	PET img metaboloc brain pres	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230		C	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230	26	A	PET myocard viability post	1.50	0.53	0.53	0.05	2.08	2.08	XXX
G0230	TC	C	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231		C	PET WhBD colorec; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231	26	A	PET WhBD colorec; gamma cam	1.50	0.51	0.51	0.05	2.06	2.06	XXX
G0231	TC	C	PET WhBD colorec; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232		C	PET whbd lymphoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232	26	A	PET whbd lymphoma; gamma cam	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0232	TC	C	PET whbd lymphoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233		C	PET whbd melanoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233	26	A	PET whbd melanoma; gamma cam	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0233	TC	C	PET whbd melanoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234		C	PET WhBD pulm nod; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234	26	A	PET WhBD pulm nod; gamma cam	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0234	TC	C	PET WhBD pulm nod; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0236		F	Digital film convert diag ma	+0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
G0236	26	F	Digital film convert diag ma	+0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
G0236	TC	F	Digital film convert diag ma	+0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
G0237		A	Therapeutic procd strg endur	0.00	0.47	NA	0.02	0.49	NA	XXX
G0238		C	Oth resp proc, indiv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0239		C	Oth resp proc, group	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0242		X	Multisource photon ster plan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0243		X	Multisour photon stero treat	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0244		E	Observ care by facility topt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0245		R	Initial foot exam pt lops	0.88	0.79	0.32	0.06	1.73	1.26	XXX
G0246		R	Followup eval of foot pt lop	0.45	0.54	0.16	0.02	1.01	0.63	XXX
G0247		R	Routine footcare pt w lops	0.50	0.51	0.21	0.06	1.07	0.77	ZZZ
G0248		R	Demonstrate use home inr mon	0.00	6.75	NA	0.01	6.76	NA	XXX
G0249		R	Provide test material,equipm	0.00	3.91	NA	0.01	3.92	NA	XXX
G0250		R	MD review interpret of test	0.18	0.06	0.06	0.01	0.25	0.25	XXX
G0251		E	Linear acc based stero radio	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0252		N	PET imaging initial dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0252	26	N	PET imaging initial dx	+1.50	0.60	0.60	0.04	2.14	2.14	XXX
G0252	TC	N	PET imaging initial dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253		C	PET image brst dection recur	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253	26	A	PET image brst dection recur	1.87	0.71	0.71	0.08	2.66	2.66	XXX
G0253	TC	C	PET image brst dection recur	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254		C	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254	26	A	PET image brst eval to tx	1.87	0.71	0.71	0.08	2.66	2.66	XXX
G0254	TC	C	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0255		N	Current percep threshold tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0255	26	N	Current percep threshold tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0255	TC	N	Current percep threshold tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0256		D	Prostate brachy w palladium	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0257		E	Unsched dialysis ESRD pt hos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0258		E	IV infusion during obs stay	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0259		E	Inject for sacroiliac joint	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0260		E	Inj for sacroiliac jt anesth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0261		D	Prostate brachy w iodine see	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0262		D	Sm intestinal image capsule	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0262	26	D	Sm intestinal image capsule	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0262	TC	D	Sm intestinal image capsule	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
G0263		E	Adm with CHF, CP, asthma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0264		E	Assmt otr CHF, CP, asthma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0265		X	Cryopresevation Freeze+stora	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0266		X	Thawing + expansion froz cel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0267		X	Bone marrow or psc harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0268		A	Removal of impacted wax md	0.61	0.63	0.25	0.05	1.29	0.91	000
G0269		B	Occlusive device in vein art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0270		A	MNT subs tx for change dx	0.00	0.47	NA	0.01	0.48	NA	XXX
G0271		A	Group MNT 2 or more 30 mins	0.00	0.19	NA	0.01	0.20	NA	XXX
G0272		D	Naso/oro gastric tube pl MD	0.00	0.00	0.00	0.00	0.00	0.00	000
G0273		D	Pretx planning, non-Hodgkins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0273	26	D	Pretx planning, non-Hodgkins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0273	TC	D	Pretx planning, non-Hodgkins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0274		D	Radiopharm tx, non-Hodgkins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0274	26	D	Radiopharm tx, non-Hodgkins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0274	TC	D	Radiopharm tx, non-Hodgkins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0275		A	Renal angio, cardiac cath	0.25	NA	0.10	0.01	NA	0.36	ZZZ
G0278		A	Iliac art angio,cardiac cath	0.25	NA	0.10	0.01	NA	0.36	ZZZ
G0279		C	Excorp shock tx, elbow epi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0280		C	Excorp shock tx other than	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0281		A	Elec stim unattend for press	0.18	0.11	NA	0.01	0.30	NA	XXX
G0282		N	Elect stim wound care not pd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0283		A	Elec stim other than wound	0.18	0.11	NA	0.01	0.30	NA	XXX
G0288		A	Recon, CTA for surg plan	0.00	10.66	NA	0.18	10.84	NA	XXX
G0289		A	Arthro, loose body + chondro	1.48	NA	0.56	0.33	NA	2.37	ZZZ
G0290		E	Drug-eluting stents, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0291		E	Drug-eluting stents,each add	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0292		E	Adm exp drugs,clinical trial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0293		E	Non-cov surg proc,clin trial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0294		E	Non-cov proc, clinical trial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0295		N	Electromagnetic therapy onc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0296		C	PET imge restag thyrod cance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0296	26	A	PET imge restag thyrod cance	1.87	0.71	0.71	0.08	2.66	2.66	XXX
G0296	TC	C	PET imge restag thyrod cance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0297		X	Insert single chamber/cd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0298		X	Insert dual chamber/cd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0299		X	Inser/repos single icd+leads	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0300		X	Insert reposit lead dual+gen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0302		X	Pre-op service LVRS complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0303		X	Pre-op service LVRS 10-15dos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0304		X	Pre-op service LVRS 1-9 dos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0305		X	Post op service LVRS min 6	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0306		X	CBC/diffwbc w/o platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0307		X	CBC without platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0308		A	ESRD related svc 4+mo<2yrs	12.74	8.54	8.54	0.42	21.70	21.70	XXX
G0309		A	ESRD related svc 2-3mo<2yrs	10.61	7.10	7.10	0.36	18.07	18.07	XXX
G0310		A	ESRD related svc 1 visit<2yr	8.49	5.68	5.68	0.28	14.45	14.45	XXX
G0311		A	ESRD related svs 4+mo 2-11yr	9.73	4.72	4.72	0.34	14.79	14.79	XXX
G0312		A	ESRD relate svs 2-3 mo 2-11y	8.11	3.92	3.92	0.29	12.32	12.32	XXX
G0313		A	ESRD related svs 1 mon 2-11y	6.49	3.14	3.14	0.22	9.85	9.85	XXX
G0314		A	ESRD related svs 4+ mo 12-19	8.28	4.42	4.42	0.27	12.97	12.97	XXX
G0315		A	ESRD related svs 2-3mo 12-19	6.90	3.67	3.67	0.23	10.80	10.80	XXX
G0316		A	ESRD relate svs 1 vist 12-19	5.52	2.94	2.94	0.17	8.63	8.63	XXX
G0317		A	ESRD related svs 4+mo 20+yrs	5.09	2.86	2.86	0.17	8.12	8.12	XXX
G0318		A	ESRD related svs 2-3 mo 20+y	4.24	2.38	2.38	0.14	6.76	6.76	XXX
G0319		A	ESRD related svs 1 visit 20+	3.39	1.90	1.90	0.11	5.40	5.40	XXX
G0320		A	ESRD related svs home under2	10.61	7.10	7.10	0.36	18.07	18.07	XXX
G0321		A	ESRD related svs home mo<2ys	6.90	3.67	3.67	0.23	10.80	10.80	XXX
G0322		A	ESRD relate svs home mo12-19	8.11	3.92	3.92	0.29	12.32	12.32	XXX
G0323		A	ESRD related svs home mo 20+	4.24	2.38	2.38	0.14	6.76	6.76	XXX
G0324		A	ESRD related svs home/dy<2y	0.35	0.24	0.24	0.01	0.60	0.60	XXX
G0325		A	ESRD relate home/dy 2-11 yr	0.23	0.12	0.12	0.01	0.36	0.36	XXX
G0326		A	ESRD relate home/dy 12-19y	0.27	0.13	0.13	0.01	0.41	0.41	XXX
G0327		A	ESRD relate home/dy 20+yrs	0.14	0.08	0.08	0.01	0.23	0.23	XXX
G0328		X	Fecal blood scrn immunoassay	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0338		X	Linear accelerator stero pln	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0339		X	Robot lin-radsurg com, first	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0340		X	Robot linear steroradio max5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G3001		X	Admin + supply, tositumomab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9001		X	MCCD, initial rate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9002		X	MCCD,maintenance rate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9003		X	MCCD, risk adj hi, initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9004		X	MCCD, risk adj lo, initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9005		X	MCCD, risk adj, maintenance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9006		X	MCCD, Home monitoring	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
G9007		X	MCCD, sch team conf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9008		X	Mccd,phys coor-care ovrsght	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9009		X	MCCD, risk adj, level 3	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9010		X	MCCD, risk adj, level 4	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9011		X	MCCD, risk adj, level 5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9012		X	Other Specified Case Mgmt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9016		N	Demo-smoking cessation coun	0.00	0.00	0.00	0.00	0.00	0.00	XXX
M0064		A	Visit for drug monitoring	0.37	0.34	0.12	0.01	0.72	0.50	XXX
P3001		A	Screening pap smear by phys	0.42	0.18	0.18	0.01	0.61	0.61	XXX
Q0035		A	Cardiokymography	0.17	0.45	NA	0.03	0.65	NA	XXX
Q0035	26	A	Cardiokymography	0.17	0.07	0.07	0.01	0.25	0.25	XXX
Q0035	TC	A	Cardiokymography	0.00	0.38	NA	0.02	0.40	NA	XXX
Q0091		A	Obtaining screen pap smear	0.37	0.66	0.14	0.01	1.04	0.52	XXX
Q0092		A	Set up port xray equipment	0.00	0.32	NA	0.01	0.33	NA	XXX
Q3014		X	Telehealth facility fee	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0070		C	Transport portable x-ray	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0075		C	Transport port x-ray multipl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0076		B	Transport portable EKG	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5299		R	Hearing service	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM C.—CODES WITH INTERIM RVUS

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
11400		A	Exc tr-ext b9+marg 0.5 < cm	0.85	2.00	0.89	0.07	2.92	1.81	010
11401		A	Exc tr-ext b9+marg 0.6-1 cm	1.23	2.07	1.03	0.11	3.41	2.37	010
11402		A	Exc tr-ext b9+marg 1.1-2 cm	1.51	2.25	1.10	0.14	3.90	2.75	010
11403		A	Exc tr-ext b9+marg 2.1-3 cm	1.79	2.42	1.33	0.19	4.40	3.31	010
11404		A	Exc tr-ext b9+marg 3.1-4 cm	2.06	2.73	1.41	0.22	5.01	3.69	010
11406		A	Exc tr-ext b9+marg > 4.0 cm	2.76	3.10	1.67	0.30	6.16	4.73	010
11420		A	Exc h-f-nk-sp b9+marg 0.5 <	0.98	1.77	0.94	0.10	2.85	2.02	010
11421		A	Exc h-f-nk-sp b9+marg 0.6-1	1.42	2.08	1.12	0.13	3.63	2.67	010
11422		A	Exc h-f-nk-sp b9+marg 1.1-2	1.63	2.27	1.34	0.17	4.07	3.14	010
11423		A	Exc h-f-nk-sp b9+marg 2.1-3	2.01	2.61	1.46	0.21	4.83	3.68	010
11424		A	Exc h-f-nk-sp b9+marg 3.1-4	2.43	2.82	1.61	0.25	5.50	4.29	010
11426		A	Exc h-f-nk-sp b9+marg > 4 cm	3.77	3.52	2.11	0.41	7.70	6.29	010
11440		A	Exc face-mm b9+marg 0.5 < cm	1.06	2.28	1.33	0.10	3.44	2.49	010
11441		A	Exc face-mm b9+marg 0.6-1 cm	1.48	2.40	1.51	0.13	4.01	3.12	010
11442		A	Exc face-mm b9+marg 1.1-2 cm	1.72	2.59	1.58	0.17	4.48	3.47	010
11443		A	Exc face-mm b9+marg 2.1-3 cm	2.29	2.97	1.83	0.22	5.48	4.34	010
11444		A	Exc face-mm b9+marg 3.1-4 cm	3.14	3.54	2.19	0.30	6.98	5.63	010
11446		A	Exc face-mm b9+marg > 4 cm	4.48	4.11	2.78	0.36	8.95	7.62	010
11600		A	Exc tr-ext mlg+marg 0.5 < cm	1.31	2.65	0.98	0.11	4.07	2.40	010
11601		A	Exc tr-ext mlg+marg 0.6-1 cm	1.80	2.72	1.23	0.14	4.66	3.17	010
11602		A	Exc tr-ext mlg+marg 1.1-2 cm	1.95	2.86	1.27	0.16	4.97	3.38	010
11603		A	Exc tr-ext mlg+marg 2.1-3 cm	2.19	3.11	1.33	0.19	5.49	3.71	010
11604		A	Exc tr-ext mlg+marg 3.1-4 cm	2.40	3.41	1.40	0.22	6.03	4.02	010
11606		A	Exc tr-ext mlg+marg > 4 cm	3.42	4.11	1.75	0.34	7.87	5.51	010
11620		A	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	2.62	0.96	0.11	3.92	2.26	010
11621		A	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	2.73	1.25	0.14	4.63	3.15	010
11622		A	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	3.00	1.39	0.18	5.27	3.66	010
11623		A	Exc h-f-nk-sp mlg+marg 2.1-3	2.61	3.36	1.59	0.24	6.21	4.44	010
11624		A	Exc h-f-nk-sp mlg+marg 3.1-4	3.06	3.79	1.78	0.30	7.15	5.14	010
11626		A	Exc h-f-nk-sp mlg+mar > 4 cm	4.29	4.70	2.40	0.42	9.41	7.11	010
11640		A	Exc face-mm malig+marg 0.5 <	1.35	2.69	1.12	0.12	4.16	2.59	010
11641		A	Exc face-mm malig+marg 0.6-1	2.16	3.06	1.54	0.18	5.40	3.88	010
11642		A	Exc face-mm malig+marg 1.1-2	2.59	3.44	1.73	0.22	6.25	4.54	010
11643		A	Exc face-mm malig+marg 2.1-3	3.10	3.85	1.96	0.29	7.24	5.35	010
11644		A	Exc face-mm malig+marg 3.1-4	4.02	4.74	2.47	0.40	9.16	6.89	010
11646		A	Exc face-mm mlg+marg > 4 cm	5.94	5.81	3.49	0.55	12.30	9.98	010
20982		A	Ablate, bone tumor(s) perq	7.27	105.35	2.99	0.69	113.31	10.95	000
21030		A	Excise max/zygoma b9 tumor	4.49	6.84	4.31	0.72	12.05	9.52	090
21040		A	Excise mandible lesion	4.49	6.87	4.14	0.23	11.59	8.86	090
21685		A	Hyoid myotomy & suspension	12.98	NA	10.09	1.52	NA	24.59	090
21742		C	Repair stern/nuss w/o scope	0.00	0.00	0.00	0.00	0.00	0.00	090
21743		C	Repair sternum/nuss w/scope	0.00	0.00	0.00	0.00	0.00	0.00	090
22532		A	Lat thorax spine fusion	23.96	NA	14.82	4.56	NA	43.34	090
22533		A	Lat lumbar spine fusion	23.09	NA	13.48	3.84	NA	40.41	090
22534		A	Lat thor/lumb, add'l seg	5.99	NA	3.04	1.18	NA	10.21	ZZZ

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ADDENDUM C.—CODES WITH INTERIM RVUS—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
31622		A	Dx bronchoscope/wash	2.78	4.17	0.89	0.17	7.12	3.84	000
31623		A	Dx bronchoscope/brush	2.88	5.05	0.89	0.17	8.10	3.94	000
31624		A	Dx bronchoscope/lavage	2.88	4.28	0.90	0.16	7.32	3.94	000
31625		A	Bronchoscopy w/biopsy(s)	3.36	5.37	1.26	0.19	8.92	4.81	000
31628		A	Bronchoscopy/lung bx, each	3.80	5.53	1.34	0.17	9.50	5.31	000
31629		A	Bronchoscopy/needle bx, each	3.36	NA	1.22	0.16	NA	4.74	000
31630		A	Bronchoscopy dilate/fx repr	3.81	NA	2.00	0.36	NA	6.17	000
31631		A	Bronchoscopy, dilate w/stent	4.36	NA	2.02	0.37	NA	6.75	000
31632		A	Bronchoscopy/lung bx, add'l	1.03	0.76	0.32	0.17	1.96	1.52	ZZZ
31633		A	Bronchoscopy/needle bx add'l	1.32	0.91	0.40	0.17	2.40	1.89	ZZZ
31635		A	Bronchoscopy w/fb removal	3.67	NA	1.67	0.25	NA	5.59	000
31640		A	Bronchoscopy w/tumor excise	4.93	NA	2.35	0.45	NA	7.73	000
33310		A	Exploratory heart surgery	18.48	NA	9.65	2.73	NA	30.86	090
33315		A	Exploratory heart surgery	22.34	NA	10.95	3.50	NA	36.79	090
34805		A	Endovasc abdo repair w/pros	21.85	NA	9.46	1.99	NA	33.30	090
35510		A	Artery bypass graft	22.97	NA	10.17	2.10	NA	35.24	090
35512		A	Artery bypass graft	22.47	NA	10.00	2.10	NA	34.57	090
35522		A	Artery bypass graft	21.73	NA	9.74	2.10	NA	33.57	090
35525		A	Artery bypass graft	20.60	NA	9.35	2.10	NA	32.05	090
35697		A	Reimplant artery each	3.00	NA	1.03	0.41	NA	4.44	ZZZ
36511		A	Apheresis wbc	1.74	NA	0.71	0.07	NA	2.52	000
36512		A	Apheresis rbc	1.74	NA	0.71	0.07	NA	2.52	000
36513		A	Apheresis platelets	1.74	NA	0.71	0.07	NA	2.52	000
36514		A	Apheresis plasma	1.74	NA	0.71	0.07	NA	2.52	000
36515		A	Apheresis, adsorp/reinfuse	1.74	NA	0.73	0.07	NA	2.54	000
36516		A	Apheresis, selective	1.22	NA	0.51	0.07	NA	1.80	000
36555		A	Insert non-tunnel cv cath	2.68	6.00	0.82	0.21	8.89	3.71	000
36556		A	Insert non-tunnel cv cath	2.50	5.85	0.74	0.10	8.45	3.34	000
36557		A	Insert tunneled cv cath	5.09	13.56	2.58	0.59	19.24	8.26	010
36558		A	Insert tunneled cv cath	4.79	13.45	2.47	0.59	18.83	7.85	010
36560		A	Insert tunneled cv cath	6.24	29.19	2.96	0.59	36.02	9.79	010
36561		A	Insert tunneled cv cath	5.99	29.11	2.87	0.59	35.69	9.45	010
36563		A	Insert tunneled cv cath	6.19	38.09	2.98	0.68	44.96	9.85	010
36565		A	Insert tunneled cv cath	5.99	22.15	2.87	0.59	28.73	9.45	010
36566		A	Insert tunneled cv cath	6.49	22.95	3.04	0.59	30.03	10.12	010
36568		A	Insert tunneled cv cath	1.92	8.19	0.59	0.21	10.32	2.72	000
36569		A	Insert tunneled cv cath	1.82	7.39	0.57	0.16	9.37	2.55	000
36570		A	Insert tunneled cv cath	5.31	40.27	2.64	0.59	46.17	8.54	010
36571		A	Insert tunneled cv cath	5.29	35.64	2.63	0.59	41.52	8.51	010
36575		A	Repair tunneled cv cath	0.67	3.35	0.26	0.59	4.61	1.52	000
36576		A	Repair tunneled cv cath	3.19	7.71	1.76	0.59	11.49	5.54	010
36578		A	Replace tunneled cv cath	3.49	10.54	2.20	0.59	14.62	6.28	010
36580		A	Replace tunneled cv cath	1.31	6.76	0.41	0.16	8.23	1.88	000
36581		A	Replace tunneled cv cath	3.43	13.27	1.84	0.59	17.29	5.86	010
36582		A	Replace tunneled cv cath	5.19	26.63	2.76	0.59	32.41	8.54	010
36583		A	Replace tunneled cv cath	5.24	13.13	2.77	0.59	18.96	8.60	010
36584		A	Replace tunneled cv cath	1.20	7.23	0.54	0.16	8.59	1.90	000
36585		A	Replace tunneled cv cath	4.79	35.46	2.62	0.59	40.84	8.00	010
36589		A	Removal tunneled cv cath	2.27	2.20	1.41	0.25	4.72	3.93	010
36590		A	Removal tunneled cv cath	3.30	6.41	1.64	0.41	10.12	5.35	010
36595		A	Mech remov tunneled cv cath	3.59	19.71	1.46	0.28	23.58	5.33	000
36596		A	Mech remov tunneled cv cath	0.75	4.39	0.49	0.05	5.19	1.29	000
36597		A	Reposition venous catheter	1.21	3.18	0.43	0.07	4.46	1.71	000
36838		A	Dist revas ligation, hemo	20.60	NA	9.36	2.99	NA	32.95	090
37765		A	Phleb veins - extrem - to 20	7.34	NA	4.55	0.48	NA	12.37	090
37766		A	Phleb veins - extrem 20+	9.29	NA	5.26	0.48	NA	15.03	090
37785		A	Ligate/divide/excise vein	3.83	5.14	2.64	0.49	9.46	6.96	090
38207		I	Cryopreserve stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38208		I	Thaw preserved stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38209		I	Wash harvest stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38210		I	T-cell depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38211		I	Tumor cell deplete of harvst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38212		I	Rbc depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38213		I	Platelet deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38214		I	Volume deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38215		I	Harvest stem cell concentrte	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43235		A	Uppr gi endoscopy, diagnosis	2.39	5.04	1.07	0.16	7.59	3.62	000
43237		A	Endoscopic us exam, esoph	3.98	NA	1.61	0.27	NA	5.86	000
43238		A	Uppr gi endoscopy w/us fn bx	5.02	NA	1.97	0.27	NA	7.26	000
43242		A	Uppr gi endoscopy w/us fn bx	7.30	NA	2.78	0.35	NA	10.43	000
43259		A	Endoscopic ultrasound exam	5.19	NA	2.04	0.27	NA	7.50	000
43752		A	Nasal/orogastric w/stent	0.68	0.26	0.26	0.02	0.96	0.96	000
47133		C	Removal of donor liver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
47140		A	Partial removal, donor liver	54.92	NA	22.74	4.80	NA	82.46	090
47141		A	Partial removal, donor liver	67.40	NA	27.39	4.80	NA	99.59	090

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ADDENDUM C.—CODES WITH INTERIM RVUS—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
47142		A	Partial removal, donor liver	74.89	NA	29.97	4.80	NA	109.66	090
53500		A	Urethrlys, transvag w/ scope	12.19	NA	6.19	0.89	NA	19.27	090
57425		A	Laparoscopy, surg, colpopexy	15.73	NA	6.69	1.74	NA	24.16	090
58545		A	Laparoscopic myomectomy	14.58	NA	7.19	1.75	NA	23.52	090
58546		A	Laparo-myomectomy, complex	18.97	NA	8.98	1.75	NA	29.70	090
58550		A	Laparo-asst vag hysterectomy	14.17	NA	7.31	1.74	NA	23.22	090
58552		A	Laparo-vag hyst incl t/o	15.98	NA	8.02	1.74	NA	25.74	090
58553		A	Laparo-vag hyst, complex	18.97	NA	8.97	1.48	NA	29.42	090
58554		A	Laparo-vag hyst w/t/o, compl	21.97	NA	10.46	1.48	NA	33.91	090
59070		A	Transabdom amnioinfus w/ us	5.24	5.12	2.41	0.28	10.64	7.93	000
59072		A	Umbilical cord occlud w/ us	8.99	NA	3.13	0.68	NA	12.80	000
59074		A	Fetal fluid drainage w/ us	5.24	4.61	2.41	0.28	10.13	7.93	000
59076		A	Fetal shunt placement, w/ us	8.99	NA	3.13	0.68	NA	12.80	000
59897		C	Fetal invas px w/ us	0.00	0.00	0.00	0.00	0.00	0.00	YYY
61537		A	Removal of brain tissue	24.96	NA	14.45	6.49	NA	45.90	090
61538		A	Removal of brain tissue	26.77	NA	15.38	6.49	NA	48.64	090
61539		A	Removal of brain tissue	32.03	NA	17.85	7.98	NA	57.86	090
61540		A	Removal of brain tissue	29.96	NA	17.48	7.98	NA	55.42	090
61543		A	Removal of brain tissue	29.18	NA	16.46	7.37	NA	53.01	090
61566		A	Removal of brain tissue	30.95	NA	17.42	6.49	NA	54.86	090
61567		A	Incision of brain tissue	35.45	NA	20.73	6.49	NA	62.67	090
61863		A	Implant neuroelectrode	18.97	NA	9.21	4.79	NA	32.97	090
61864		A	Implant neuroelectrde, add'l	4.49	NA	2.29	1.13	NA	7.91	ZZZ
61867		A	Implant neuroelectrode	31.29	NA	13.81	4.79	NA	49.89	090
61868		A	Implant neuroelectrde, add'l	7.91	NA	4.03	1.21	NA	13.15	ZZZ
63101		A	Removal of vertebral body	31.95	NA	19.34	5.69	NA	56.98	090
63102		A	Removal of vertebral body	31.95	NA	19.34	5.69	NA	56.98	090
63103		A	Remove vertebral body add-on	3.89	NA	2.01	0.76	NA	6.66	ZZZ
64449		A	N block inj, lumbar plexus	3.00	NA	0.97	0.10	NA	4.07	010
64517		A	N block inj, hypogas plxs	2.20	2.70	0.87	0.13	5.03	3.20	000
64680		A	Injection treatment of nerve	2.62	5.97	1.28	0.18	8.77	4.08	010
64681		A	Injection treatment of nerve	3.54	8.71	2.10	0.18	12.43	5.82	010
65780		A	Ocular reconst, transplant	10.23	NA	9.94	0.35	NA	20.52	090
65781		A	Ocular reconst, transplant	17.64	NA	13.31	0.35	NA	31.30	090
65782		A	Ocular reconst, transplant	14.98	NA	11.66	0.35	NA	26.99	090
67912		A	Correction eyelid w/ implant	5.67	20.38	5.27	0.28	26.33	11.22	090
68371		A	Harvest eye tissue, alograft	4.89	NA	4.62	0.21	NA	9.72	010
70557	26	A	Mri brain w/o dye	2.90	0.98	0.98	0.08	3.96	3.96	XXX
70558	26	A	Mri brain w/ dye	3.20	1.08	1.08	0.10	4.38	4.38	XXX
70559	26	A	Mri brain w/o & w/ dye	3.20	1.08	1.08	0.12	4.40	4.40	XXX
75901	26	A	Remove cva device obstruct	0.49	0.16	0.16	0.02	0.67	0.67	XXX
75902	26	A	Remove cva lumen obstruct	0.39	0.13	0.13	0.02	0.54	0.54	XXX
75998	26	A	Fluoroguide for vein device	0.38	0.13	0.13	0.05	0.56	0.56	ZZZ
76082	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76083	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76514	26	A	Echo exam of eye, thickness	0.17	0.08	0.08	0.01	0.26	0.26	XXX
76937	26	A	Us guide, vascular access	0.30	0.10	0.10	0.05	0.45	0.45	ZZZ
78800	26	A	Tumor imaging, limited area	0.66	0.22	0.22	0.04	0.92	0.92	XXX
78801	26	A	Tumor imaging, mult areas	0.79	0.27	0.27	0.04	1.10	1.10	XXX
78802	26	A	Tumor imaging, whole body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78803	26	A	Tumor imaging (3D)	1.09	0.38	0.38	0.05	1.52	1.52	XXX
78804	26	A	Tumor imaging, whole body	1.07	0.37	0.37	0.04	1.48	1.48	XXX
79100	26	A	Hematopoetic nuclear therapy	1.32	0.46	0.46	0.06	1.84	1.84	XXX
79400	26	A	Nonhemato nuclear therapy	1.96	0.67	0.67	0.10	2.73	2.73	XXX
79403	26	A	Hematopoetic nuclear therapy	2.25	0.90	0.90	0.10	3.25	3.25	XXX
85396		A	Clotting assay, whole blood	0.37	NA	0.17	0.04	NA	0.58	XXX
88112	26	A	Cytopath, cell enhance tech	1.18	0.51	0.51	0.06	1.75	1.75	XXX
88342	26	A	Immunohistochemistry	0.85	0.37	0.37	0.04	1.26	1.26	XXX
88358	26	A	Analysis, tumor	0.95	1.23	1.23	0.12	2.30	2.30	XXX
88361	26	A	Immunohistochemistry, tumor	0.94	0.41	0.41	0.12	1.47	1.47	XXX
91110	26	A	Gi tract capsule endoscopy	3.64	1.30	1.30	0.02	4.96	4.96	XXX
93784		A	Ambulatory BP monitoring	0.38	1.55	NA	0.03	1.96	NA	XXX
93786		A	Ambulatory BP recording	0.00	0.91	NA	0.01	0.92	NA	XXX
93788		A	Ambulatory BP analysis	0.00	0.51	NA	0.01	0.52	NA	XXX
93790		A	Review/report BP recording	0.38	0.13	0.13	0.01	0.52	0.52	XXX
95990		A	Spin/brain pump refil & main	0.00	1.50	NA	0.06	1.56	NA	XXX
95991		A	Spin/brain pump refil & main	0.77	1.43	0.19	0.06	2.26	1.02	XXX
96110		A	Developmental test, lim	0.00	0.19	NA	0.18	0.37	NA	XXX
96111		A	Developmental test, extend	2.60	1.07	NA	0.18	3.85	NA	XXX
97537		A	Community/work reintegration	0.45	0.27	NA	0.01	0.73	NA	XXX
97755		A	Assistive technology assess	0.62	0.29	NA	0.02	0.93	NA	XXX
G0308		A	ESRD related svc 4+mo<2yrs	12.74	8.54	8.54	0.42	21.70	21.70	XXX
G0309		A	ESRD related svc 2-3mo<2yrs	10.61	7.10	7.10	0.36	18.07	18.07	XXX
G0310		A	ESRD related svc 1 visit<2yr	8.49	5.68	5.68	0.28	14.45	14.45	XXX
G0311		A	ESRD related svs 4+mo 2-11yr	9.73	4.72	4.72	0.34	14.79	14.79	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES WITH INTERIM RVUS—Continued

CPT[1] HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-facility total	Facility total	Global
G0312		A	ESRD relate svs 2-3 mo 2-11y	8.11	3.92	3.92	0.29	12.32	12.32	XXX
G0313		A	ESRD related svs 1 mon 2-11y	6.49	3.14	3.14	0.22	9.85	9.85	XXX
G0314		A	ESRD related svs 4+ mo 12-19	8.28	4.42	4.42	0.27	12.97	12.97	XXX
G0315		A	ESRD related svs 2-3mo 12-19	6.90	3.67	3.67	0.23	10.80	10.80	XXX
G0316		A	ESRD relate svs 1 vist 12-19	5.52	2.94	2.94	0.17	8.63	8.63	XXX
G0317		A	ESRD related svs 4+mo 20+yrs	5.09	2.86	2.86	0.17	8.12	8.12	XXX
G0318		A	ESRD related svs 2-3 mo 20+y	4.24	2.38	2.38	0.14	6.76	6.76	XXX
G0319		A	ESRD related svs 1 visit 20+	3.39	1.90	1.90	0.11	5.40	5.40	XXX
G0320		A	ESRD related svs home under2	10.61	7.10	7.10	0.36	18.07	18.07	XXX
G0321		A	ESRD related svs home mo<2ys	6.90	3.67	3.67	0.23	10.80	10.80	XXX
G0322		A	ESRD relate svs home mo12-19	8.11	3.92	3.92	0.29	12.32	12.32	XXX
G0323		A	ESRD related svs home mo 20+	4.24	2.38	2.38	0.14	6.76	6.76	XXX
G0324		A	ESRD related svs home/dy<2y	0.35	0.24	0.24	0.01	0.60	0.60	XXX
G0325		A	ESRD relate home/dy 2-11 yr	0.23	0.12	0.12	0.01	0.36	0.36	XXX
G0326		A	ESRD relate home/dy 12-19y	0.27	0.13	0.13	0.01	0.41	0.41	XXX
G0327		A	ESRD relate home/dy 20+yrs	0.14	0.08	0.08	0.01	0.23	0.23	XXX

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[3] + Indicates RVUs are not used for Medicare payment.

ADDENDUM D -- REVISED 2004 GEOGRAPHIC PRACTICE COST INDICES BY MEDICARE CARRIER AND LOCALITY

Carrier Number	Loc. Number	Locality Name	Revised Work GPCI	PE GPCI*	MP GPCI*
00510	00	ALABAMA	1.000	0.870	0.779
00831	01	ALASKA	1.670	1.670	1.670
00832	00	ARIZONA	1.000	0.978	1.090
00520	13	ARKANSAS	1.000	0.847	0.389
31146	26	ANAHEIM/SANTA ANA, CA	1.037	1.184	0.955
31146	18	LOS ANGELES, CA	1.056	1.139	0.955
31140	03	MARIN/NAPA/SOLANO, CA	1.015	1.248	0.669
31140	07	OAKLAND/BERKELEY, CA	1.041	1.235	0.669
31140	05	SAN FRANCISCO, CA	1.068	1.458	0.669
31140	06	SAN MATEO, CA	1.048	1.432	0.663
31140	09	SANTA CLARA, CA	1.063	1.380	0.622
31146	17	VENTURA, CA	1.028	1.125	0.763
31146	99	REST OF CALIFORNIA*	1.007	1.034	0.740
31140	99	REST OF CALIFORNIA*	1.007	1.034	0.740
00824	01	COLORADO	1.000	0.992	0.821
00591	00	CONNECTICUT	1.050	1.156	0.933
00902	01	DELAWARE	1.019	1.035	0.802
00903	01	DC + MD/VA SUBURBS	1.050	1.166	0.917
00590	03	FORT LAUDERDALE, FL	1.000	1.018	1.790
00590	04	MIAMI, FL	1.015	1.052	2.399
00590	99	REST OF FLORIDA	1.000	0.946	1.268
00511	01	ATLANTA, GA	1.006	1.059	0.951
00511	99	REST OF GEORGIA	1.000	0.892	0.951
00833	01	HAWAII/GUAM	1.000	1.124	0.817
05130	00	IDAHO	1.000	0.881	0.478
00952	16	CHICAGO, IL	1.028	1.092	1.832
00952	12	EAST ST. LOUIS, IL	1.000	0.924	1.720
00952	15	SUBURBAN CHICAGO, IL	1.006	1.071	1.648
00952	99	REST OF ILLINOIS	1.000	0.889	1.175
00630	00	INDIANA	1.000	0.922	0.459
00826	00	IOWA	1.000	0.876	0.593
00650	00	KANSAS*	1.000	0.895	0.738
00740	04	KANSAS*	1.000	0.895	0.738
00660	00	KENTUCKY	1.000	0.866	0.875
00528	01	NEW ORLEANS, LA	1.000	0.945	1.240
00528	99	REST OF LOUISIANA	1.000	0.870	1.066
31142	03	SOUTHERN MAINE	1	0.999	0.652
31142	99	REST OF MAINE	1.000	0.910	0.652
00901	01	BALTIMORE/SURR. CNTYS, MD	1.021	1.038	0.931
00901	99	REST OF MARYLAND	1.000	0.972	0.767
31143	01	METROPOLITAN BOSTON	1.041	1.239	0.803
31143	99	REST OF MASSACHUSETTS	1.010	1.129	0.803
00953	01	DETROIT, MI	1.043	1.038	2.741
00953	99	REST OF MICHIGAN	1.000	0.938	1.545
00954	00	MINNESOTA	1.000	0.974	0.431
00512	00	MISSISSIPPI	1.000	0.837	0.750

Note: Malpractice Index updated in November 7, 2003 Final Rule.
1.0 Floor on Work GPCI, 1.67 for all Alaska indices, set by DIMA.
GPCIs scaled by following factors: Work=0.9977, Practice Expense=0.9930, Malpractice Expense=1.0021

ADDENDUM D -- REVISED 2004 GEOGRAPHIC PRACTICE COST INDICES BY MEDICARE CARRIER AND LOCALITY

Carrier Number	Loc. Number	Locality Name	Revised Work GPCI	PE GPCI*	MP GPCI*
00740	02	METROPOLITAN KANSAS CITY, MO	1.000	0.967	0.896
00523	01	METROPOLITAN ST. LOUIS, MO	1.000	0.938	0.893
00740	99	REST OF MISSOURI*	1.000	0.825	0.842
00523	99	REST OF MISSOURI*	1.000	0.825	0.842
00751	01	MONTANA	1.000	0.876	0.815
00655	00	NEBRASKA	1.000	0.877	0.442
00834	00	NEVADA	1.005	1.039	1.138
31144	40	NEW HAMPSHIRE	1.000	1.030	0.883
00805	01	NORTHERN NJ	1.058	1.193	0.916
00805	99	REST OF NEW JERSEY	1.029	1.110	0.916
00521	05	NEW MEXICO	1.000	0.900	0.898
00803	01	MANHATTAN, NY	1.094	1.351	1.586
00803	02	NYC SUBURBS/LONG I., NY	1.068	1.251	1.869
00803	03	POUGHKPSIE/N NYC SUBURBS, NY	1.011	1.075	1.221
14330	04	QUEENS, NY	1.058	1.228	1.791
00801	99	REST OF NEW YORK	1.000	0.944	0.720
05535	00	NORTH CAROLINA	1.000	0.931	0.618
00820	01	NORTH DAKOTA	1.000	0.880	0.630
00883	00	OHIO	1.000	0.944	0.967
00522	00	OKLAHOMA	1.000	0.876	0.413
00835	01	PORTLAND, OR	1.000	1.049	0.438
00835	99	REST OF OREGON	1.000	0.933	0.438
00865	01	METROPOLITAN PHILADELPHIA, PA	1.023	1.092	1.400
00865	99	REST OF PENNSYLVANIA	1.000	0.929	0.790
00973	20	PUERTO RICO	1.000	0.712	0.268
00870	01	RHODE ISLAND	1.017	1.065	0.896
00880	01	SOUTH CAROLINA	1.000	0.904	0.336
00820	02	SOUTH DAKOTA	1.000	0.878	0.385
05440	35	TENNESSEE	1.000	0.900	0.612
00900	31	AUSTIN, TX	1.000	0.996	0.922
00900	20	BEAUMONT, TX	1.000	0.890	1.318
00900	09	BRAZORIA, TX	1.000	0.978	1.318
00900	11	DALLAS, TX	1.010	1.065	0.996
00900	28	FORT WORTH, TX	1.000	0.981	0.996
00900	15	GALVESTON, TX	1.000	0.969	1.318
00900	18	HOUSTON, TX	1.020	1.007	1.316
00900	99	REST OF TEXAS	1.000	0.880	1.047
00910	09	UTAH	1.000	0.941	0.653
31145	50	VERMONT	1.000	0.986	0.527
00973	50	VIRGIN ISLANDS	1.000	1.023	1.003
00904	00	VIRGINIA	1.000	0.938	0.540
00836	02	SEATTLE (KING CNTY), WA	1.005	1.100	0.803
00836	99	REST OF WASHINGTON	1.000	0.972	0.803
00884	16	WEST VIRGINIA	1.000	0.850	1.462
00951	00	WISCONSIN	1.000	0.929	0.865
00825	21	WYOMING	1.000	0.895	0.970

Note: Malpractice Index updated in November 7, 2003 Final Rule.
1.0 Floor on Work GPCI, 1.67 for all Alaska indices, set by DIMA.
GPCIs scaled by following factors: Work=0.9977, Practice Expense=0.9930, Malpractice Expense=1.0021

ADDENDUM E -- REVISED 2005 GEOGRAPHIC PRACTICE COST INDICES BY MEDICARE CARRIER AND LOCALITY

Carrier Number	Loc. Number	Locality Name	Revised Work GPCI	PE GPCI	MP GPCI
00510	00	ALABAMA	1.000	0.870	0.752
00831	01	ALASKA	1.670	1.670	1.670
00832	00	ARIZONA	1.000	0.978	1.069
00520	13	ARKANSAS	1.000	0.847	0.438
31146	26	ANAHEIM/SANTA ANA, CA	1.037	1.184	0.954
31146	18	LOS ANGELES, CA	1.056	1.139	0.954
31140	03	MARIN/NAPA/SOLANO, CA	1.015	1.248	0.651
31140	07	OAKLAND/BERKELEY, CA	1.041	1.235	0.651
31140	05	SAN FRANCISCO, CA	1.068	1.458	0.651
31140	06	SAN MATEO, CA	1.048	1.432	0.639
31140	09	SANTA CLARA, CA	1.063	1.380	0.604
31146	17	VENTURA, CA	1.028	1.125	0.744
31146	99	REST OF CALIFORNIA*	1.007	1.034	0.733
31140	99	REST OF CALIFORNIA*	1.007	1.034	0.733
00824	01	COLORADO	1.000	0.992	0.803
00591	00	CONNECTICUT	1.050	1.156	0.900
00902	01	DELAWARE	1.019	1.035	0.892
00903	01	DC + MD/VA SUBURBS	1.050	1.166	0.926
00590	03	FORT LAUDERDALE, FL	1.000	1.018	1.703
00590	04	MIAMI, FL	1.015	1.052	2.269
00590	99	REST OF FLORIDA	1.000	0.946	1.272
00511	01	ATLANTA, GA	1.006	1.059	0.966
00511	99	REST OF GEORGIA	1.000	0.892	0.966
00833	01	HAWAII/GUAM	1.000	1.124	0.800
05130	00	IDAHO	1.000	0.881	0.459
00952	16	CHICAGO, IL	1.028	1.092	1.867
00952	12	EAST ST. LOUIS, IL	1.000	0.924	1.750
00952	15	SUBURBAN CHICAGO, IL	1.006	1.071	1.652
00952	99	REST OF ILLINOIS	1.000	0.889	1.193
00630	00	INDIANA	1.000	0.922	0.436
00826	00	IOWA	1.000	0.876	0.589
00650	00	KANSAS*	1.000	0.895	0.721
00740	04	KANSAS*	1.000	0.895	0.721
00660	00	KENTUCKY	1.000	0.866	0.873
00528	01	NEW ORLEANS, LA	1.000	0.945	1.197
00528	99	REST OF LOUISIANA	1.000	0.870	1.058
31142	03	SOUTHERN MAINE	1	0.999	0.637
31142	99	REST OF MAINE	1.000	0.910	0.637
00901	01	BALTIMORE/SURR. CNTYS, MD	1.021	1.038	0.947
00901	99	REST OF MARYLAND	1.000	0.972	0.760
31143	01	METROPOLITAN BOSTON	1.041	1.239	0.823
31143	99	REST OF MASSACHUSETTS	1.010	1.129	0.823
00953	01	DETROIT, MI	1.043	1.038	2.744
00953	99	REST OF MICHIGAN	1.000	0.938	1.518
00954	00	MINNESOTA	1.000	0.974	0.410
00512	00	MISSISSIPPI	1.000	0.837	0.722

Note: Malpractice Index updated in November 7, 2003 Final Rule.
1.0 Floor on Work GPCI, 1.67 for all Alaska indices, set by DIMA
GPCIs scaled by following factors: Work=0.9977, Practice Expense=0.9930, Malpractice Expense=1.0021

ADDENDUM E -- REVISED 2005 GEOGRAPHIC PRACTICE COST INDICES BY MEDICARE CARRIER AND LOCALITY

Carrier Number	Loc. Number	Locality Name	Revised Work GPCI	PE GPCI	MP GPCI
00740	02	METROPOLITAN KANSAS CITY, MO	1.000	0.967	0.946
00523	01	METROPOLITAN ST. LOUIS, MO	1.000	0.938	0.941
00740	99	REST OF MISSOURI*	1.000	0.825	0.892
00523	99	REST OF MISSOURI*	1.000	0.825	0.892
00751	01	MONTANA	1.000	0.876	0.904
00655	00	NEBRASKA	1.000	0.877	0.454
00834	00	NEVADA	1.005	1.039	1.068
31144	40	NEW HAMPSHIRE	1.000	1.030	0.942
00805	01	NORTHERN NJ	1.058	1.193	0.973
00805	99	REST OF NEW JERSEY	1.029	1.110	0.973
00521	05	NEW MEXICO	1.000	0.900	0.895
00803	01	MANHATTAN, NY	1.094	1.351	1.504
00803	02	NYC SUBURBS/LONG I., NY	1.068	1.251	1.785
00803	03	POUGHKPSIE/N NYC SUBURBS, NY	1.011	1.075	1.167
14330	04	QUEENS, NY	1.058	1.228	1.710
00801	99	REST OF NEW YORK	1.000	0.944	0.677
05535	00	NORTH CAROLINA	1.000	0.931	0.640
00820	01	NORTH DAKOTA	1.000	0.880	0.602
00883	00	OHIO	1.000	0.944	0.976
00522	00	OKLAHOMA	1.000	0.876	0.382
00835	01	PORTLAND, OR	1.000	1.049	0.441
00835	99	REST OF OREGON	1.000	0.933	0.441
00865	01	METROPOLITAN PHILADELPHIA, PA	1.023	1.092	1.386
00865	99	REST OF PENNSYLVANIA	1.000	0.929	0.806
00973	20	PUERTO RICO	1.000	0.712	0.261
00870	01	RHODE ISLAND	1.017	1.065	0.909
00880	01	SOUTH CAROLINA	1.000	0.904	0.394
00820	02	SOUTH DAKOTA	1.000	0.878	0.365
05440	35	TENNESSEE	1.000	0.900	0.631
00900	31	AUSTIN, TX	1.000	0.996	0.986
00900	20	BEAUMONT, TX	1.000	0.890	1.298
00900	09	BRAZORIA, TX	1.000	0.978	1.298
00900	11	DALLAS, TX	1.010	1.065	1.061
00900	28	FORT WORTH, TX	1.000	0.981	1.061
00900	15	GALVESTON, TX	1.000	0.969	1.298
00900	18	HOUSTON, TX	1.020	1.007	1.297
00900	99	REST OF TEXAS	1.000	0.880	1.138
00910	09	UTAH	1.000	0.941	0.662
31145	50	VERMONT	1.000	0.986	0.514
00973	50	VIRGIN ISLANDS	1.000	1.023	1.003
00904	00	VIRGINIA	1.000	0.938	0.579
00836	02	SEATTLE (KING CNTY), WA	1.005	1.100	0.819
00836	99	REST OF WASHINGTON	1.000	0.972	0.819
00884	16	WEST VIRGINIA	1.000	0.850	1.547
00951	00	WISCONSIN	1.000	0.929	0.790
00825	21	WYOMING	1.000	0.895	0.935

Note: Malpractice Index updated in November 7, 2003 Final Rule.
1.0 Floor on Work GPCI, 1.67 for all Alaska indices, set by DIMA
GPCIs scaled by following factors: Work=0.9977, Practice Expense=0.9930, Malpractice Expense=1.0021

Addendum F[a, b]

2004 Payment Limits for Part B Drugs Not Paid on a Cost or Prospective Payment Basis

HCPCS	Short Description	AWP %	2004 Payment Limit for Drugs (other than ESRD drugs separately billed by independent ESRD Facilities and drugs infused through DME)	ESRD %	2004 Payment Limit for ESRD Drugs Separately Billed by Independent ESRD Facilities[c]	DME Infusion %	2004 Payment Limit for Drugs when Infused through DME[d]
90371	Hep b ig, im	85	$581.40				
90375	Rabies ig, im/sc	85	$65.18				
90376	Rabies ig, heat treated	85	$69.89				
90385	Rh ig, minidose, im	85	$32.13				
90585	Bcg vaccine, percut	85	$143.28				
90632	Hep a vaccine, adult im	85	$62.94				
90633	Hep a vacc, ped/adol, 2 dose	85	$26.66				
90634	Hep a vacc, ped/adol, 3 dose	85	$26.66				
90645	Hib vaccine, hboc, im	85	$21.76				
90658	Flu vaccine, 3 yrs, im	95	$9.95				
90659	Flu vaccine, whole, im	95	$9.95				
90675	Rabies vaccine, im	85	$121.83				
90691	Typhoid vaccine, im	85	$37.58				
90700	Dtap vaccine, im	85	$20.05				
90703	Tetanus vaccine, im	85	$12.86				
90704	Mumps vaccine, sc	85	$17.38				
90705	Measles vaccine, sc	85	$13.45				
90706	Rubella vaccine, sc	85	$14.97				
90707	Mmr vaccine, sc	85	$34.93				
90713	Poliovirus, ipv, sc	85	$23.00				
90716	Chicken pox vaccine, sc	85	$57.86				
90717	Yellow fever vaccine, sc	85	$52.93				
90718	Td vaccine > 7, im	85	$10.31				
90721	Dtap/hib vaccine, im	85	$43.70				

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90732	Pneumococcal vaccine	95	$18.62				
90733	Meningococcal vaccine, sc	85	$58.66				
90735	Encephalitis vaccine, sc	85	$71.37				
90740	Hepb vacc, ill pat 3 dose im	95	$110.92				
90743	Hep b vacc, adol, 2 dose, im	95	$27.05				
90744	Hepb vacc ped/adol 3 dose im	95	$27.05				
90746	Hep b vaccine, adult, im	95	$55.46				
90747	Hepb vacc, ill pat 4 dose im	85	$99.25				
90748	Hep b/hib vaccine, im	85	$45.32				
J0130	Abciximab injection	85	$459.02				
J0150	Injection adenosine 6 MG	85	$34.80				
J0152[f]	Adenosine injection	85	$66.56				
J0170	Adrenalin epinephrin inject	85	$2.10				
J0200	Alatrofloxacin mesylate	85	$17.03				
J0205[e]	Alglucerase injection	94	$37.13				
J0207	Amifostine	85	$405.29				
J0210	Methyldopate hcl injection	85	$10.63				
J0215	Alefacept	85	$28.19				
J0256	Alpha 1 proteinase inhibitor	85	$2.38				
J0270	Alprostadil for injection	85	$0.31				
J0275	Alprostadil urethral suppos	85	$18.17				
J0280	Aminophyllin 250 MG inj	85	$0.89				
J0282	Amiodarone HCl	85	$5.51				
J0285	Amphotericin B	85	$9.30			95	$10.28
J0287	Amphotericin b lipid complex	85	$19.55			95	$21.85
J0288	Ampho b cholesteryl sulfate	85	$13.60			95	$15.20
J0289	Amphotericin b liposome inj	85	$32.03			95	$35.80
J0290	Ampicillin 500 MG inj	85	$1.48	95	$1.65		
J0295	Ampicillin sodium per 1.5 gm	85	$6.64				
J0300	Amobarbital 125 MG inj	85	$2.38				

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J0330	Succinycholine chloride inj	85	$0.17				
J0360	Hydralazine hcl injection	85	$14.34	95	$16.04		
J0380	Inj metaraminol bitartrate	85	$1.14				
J0456	Azithromycin	85	$22.72				
J0460	Atropine sulfate injection	85	$0.74	95	$1.19		
J0470	Dimecaprol injection	85	$21.18				
J0475	Baclofen 10 MG injection	85	$192.53	95	$215.18		
J0476	Baclofen intrathecal trial	85	$71.40				
J0500	Dicyclomine injection	85	$15.27	95	$17.06		
J0515	Inj benztropine mesylate	85	$3.49				
J0530	Penicillin g benzathine inj	85	$10.67	95	$11.92		
J0540	Penicillin g benzathine inj	85	$20.94	95	$23.40		
J0550	Penicillin g benzathine inj	85	$44.84	95	$50.12		
J0560	Penicillin g benzathine inj	85	$8.85	95	$9.89		
J0570	Penicillin g benzathine inj	85	$17.70				
J0580	Penicillin g benzathine inj	85	$35.39				
J0583	Bivalirudin	85	$1.43				
J0585	Botulinum toxin a per unit	85	$4.43	95	$4.95		
J0587	Botulinum toxin type B	85	$7.86				
J0592	Buprenorphine hydrochloride	85	$0.92				
J0595	Butorphanol tartrate 1 mg	85	$3.94				
J0600	Edetate calcium disodium inj	85	$39.46				
J0610	Calcium gluconate injection	85	$0.91	95	$1.44		
J0620	Calcium glycer & lact/10 ML	85	$5.55				
J0630	Calcitonin salmon injection	85	$34.37	95	$38.41		
J0636	Inj calcitriol per 0.1 mcg	85	$0.01				
J0637	Caspofungin acetate	85	$29.48				
J0640	Leucovorin calcium injection	80	$3.00				
J0670	Inj mepivacaine HCL/10 ml	85	$1.85				
J0690	Cefazolin sodium injection	85	$2.01	95	$2.25		

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J0692	Cefepime HCl for injection	85	$0.77				
J0694	Cefoxitin sodium injection	85	$9.56	95	$10.69		
J0696	Ceftriaxone sodium injection	85	$13.35	95	$14.92		
J0697	Sterile cefuroxime injection	85	$3.09	95	$3.46		
J0698	Cefotaxime sodium injection	85	$8.51				
J0702	Betamethasone acet&sod phosp	85	$4.45				
J0704	Betamethasone sod phosp/4 MG	85	$0.96				
J0706	Caffeine citrate injection	85	$3.07				
J0713	Inj ceftazidime per 500 mg	85	$6.05	95	$6.75		
J0715	Ceftizoxime sodium / 500 MG	85	$4.44				
J0720	Chloramphenicol sodium injec	85	$6.46				
J0725	Chorionic gonadotropin/1000u	85	$2.39				
J0735	Clonidine hydrochloride	85	$49.35				
J0740	Cidofovir injection	85	$754.80				
J0743	Cilastatin sodium injection	85	$14.20				
J0744	Ciprofloxacin iv	85	$12.25				
J0745	Inj codeine phosphate /30 MG	85	$0.41	95	$0.87		
J0760	Colchicine injection	85	$6.32				
J0770	Colistimethate sodium inj	85	$48.45				
J0780	Prochlorperazine injection	85	$3.74	95	$8.84		
J0800	Corticotropin injection	85	$83.15				
J0835	Inj cosyntropin per 0.25 MG	85	$16.32				
J0850	Cytomegalovirus imm IV /vial	85	$637.12				
J0880	Darbepoetin alfa injection	85	$21.20				
J0895	Deferoxamine mesylate inj	85	$13.98	95	$15.63	95	$15.63
J0900	Testosterone enanthate inj	85	$1.46	95	$1.63		
J0945	Brompheniramine maleate inj	85	$0.85				
J0970	Estradiol valerate injection	85	$1.44	95	$1.62		
J1000	Depo-estradiol cypionate inj	85	$1.70				
J1020	Methylprednisolone 20 MG inj	85	$2.40				

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J1030	Methylprednisolone 40 MG inj	85	$3.70				
J1040	Methylprednisolone 80 MG inj	85	$7.40				
J1051	Medroxyprogesterone inj	85	$4.50				
J1056	MA/EC contraceptiveinjection	85	$22.02				
J1060	Testosterone cypionate 1 ML	85	$3.99				
J1070	Testosterone cypionat 100 MG	85	$4.43	95	$4.95		
J1080	Testosterone cypionat 200 MG	85	$8.44	95	$9.43		
J1094	Inj dexamethasone acetate	85	$0.64				
J1100	Dexamethasone sodium phos	86	$0.10				
J1110	Inj dihydroergotamine mesylt	85	$36.04				
J1120	Acetazolamid sodium injectio	85	$18.36				
J1160	Digoxin injection	85	$1.59				
J1165	Phenytoin sodium injection	85	$0.77	95	$0.86		
J1170	Hydromorphone injection	85	$1.38	95	$1.55	95	$1.51
J1180	Dyphylline injection	85	$8.07				
J1190	Dexrazoxane HCl injection	85	$209.34				
J1200	Diphenhydramine hcl injectio	85	$1.43	95	$1.61		
J1205	Chlorothiazide sodium inj	85	$9.38				
J1212	Dimethyl sulfoxide 50% 50 ML	85	$39.91	95	$44.60		
J1230	Methadone injection	85	$0.68				
J1240	Dimenhydrinate injection	85	$0.34	95	$0.38		
J1245	Dipyridamole injection	85	$5.10	95	$5.70		
J1250	Inj dobutamine HCL/250 mg	85	$4.24			95	$4.74
J1260	Dolasetron mesylate	80	$13.85				
J1270	Injection, doxercalciferol	85	$4.92	95	$5.50	95	
J1327	Eptifibatide injection	85	$11.48				
J1335	Ertapenem injection	85	$21.24				
J1364	Erythro lactobionate /500 MG	85	$3.14				
J1380	Estradiol valerate 10 MG inj	85	$0.48	95	$0.53		
J1390	Estradiol valerate 20 MG inj	85	$1.02	95	$1.07		

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J1410	Inj estrogen conjugate 25 MG	85	$55.04	95	$61.51		
J1435	Injection estrone per 1 MG	85	$0.51				
J1436	Etidronate disodium inj	85	$68.85				
J1438	Etanercept injection	85	$138.83				
J1440	Filgrastim 300 mcg injection	81	$158.50				
J1441	Filgrastim 480 mcg injection	81	$267.79				
J1450	Fluconazole	85	$85.83	95	$97.61		
J1452	Intraocular Fomivirsen na	85	$850.00				
J1455	Foscarnet sodium injection	85	$11.70			95	$12.86
J1460	Gamma globulin 1 CC inj	85	$10.20	95	$12.17		
J1470	Gamma globulin 2 CC inj	85	$20.40				
J1480	Gamma globulin 3 CC inj	85	$30.63				
J1490	Gamma globulin 4 CC inj	85	$40.80				
J1500	Gamma globulin 5 CC inj	85	$51.00	95	$60.87		
J1510	Gamma globulin 6 CC inj	85	$61.08				
J1520	Gamma globulin 7 CC inj	85	$71.33				
J1530	Gamma globulin 8 CC inj	85	$81.60				
J1540	Gamma globulin 9 CC inj	85	$91.89				
J1550	Gamma globulin 10 CC inj	85	$102.00				
J1563	IV immune globulin	80	$52.00				
J1564	Immune globulin 10 mg	85	$0.77				
J1565	RSV-ivig	85	$14.81				
J1570	Ganciclovir sodium injection	85	$31.53	95	$35.25	95	$35.25
J1580	Garamycin gentamicin inj	85	$1.70	95	$2.07		
J1590	Gatifloxacin injection	85	$0.81				
J1595[f]	Injection glatiramer acetate	85	$30.13				
J1600	Gold sodium thiomaleate inj	85	$12.10				
J1610	Glucagon hydrochloride/1 MG	85	$40.80				
J1620	Gonadorelin hydroch/ 100 mcg	85	$180.72				
J1626	Granisetron HCl injection	80	$15.62				

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J1630	Haloperidol injection	85	$6.11	95	$6.83		
J1631	Haloperidol decanoate inj	85	$8.16	95	$9.12		
J1642	Inj heparin sodium per 10 u	80	$0.05				
J1644	Inj heparin sodium per 1000u	85	$0.35	95	$0.40		
J1645	Dalteparin sodium	85	$14.04				
J1650	Inj enoxaparin sodium	85	$5.46				
J1652	Fondaparinux sodium	85	$7.40				
J1655	Tinzaparin sodium injection	85	$3.43				
J1670	Tetanus immune globulin inj	85	$106.25				
J1720	Hydrocortisone sodium succ i	85	$1.85	95	$2.07		
J1730	Diazoxide injection	85	$110.01				
J1742	Ibutilide fumarate injection	85	$224.89				
J1745	Infliximab injection	85	$58.79				
J1750	Iron dextran	85	$16.03		$17.91		
J1756	Iron sucrose injection	85	$0.58				
J1785[e]	Injection imiglucerase /unit	94	$3.71				
J1790	Droperidol injection	85	$2.50	95	$2.80		
J1800	Propranolol injection	85	$10.40				
J1815	Insulin injection	85	$0.09			95	$0.10
J1817	Insulin for insulin pump use	85	$2.51			95	$3.05
J1830	Interferon beta-1b / .25 MG	85	$60.14				
J1835	Itraconazole injection	85	$32.97				
J1840	Kanamycin sulfate 500 MG inj	85	$2.94	95	$3.30		
J1850	Kanamycin sulfate 75 MG inj	85	$0.44				
J1885	Ketorolac tromethamine inj	85	$3.19				
J1890	Cephalothin sodium injection	85	$9.18	95	$10.26		
J1940	Furosemide injection	85	$0.88	95	$0.93		
J1950	Leuprolide acetate /3.75 MG	85	$453.79	95	$517.32		
J1955	Inj levocarnitine per 1 gm	85	$30.60	95	$34.20		
J1956	Levofloxacin injection	85	$18.62	95	$20.81		

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J1960	Levorphanol tartrate inj	85	$3.37				
J1980	Hyoscyamine sulfate inj	85	$7.66				
J1990	Chlordiazepoxide injection	85	$22.37				
J2001[f]	Lidocaine injection	85	$0.17				
J2010	Lincomycin injection	85	$2.84				
J2020	Linezolid injection	85	$32.93				
J2060	Lorazepam injection	85	$2.81	95	$3.14		
J2150	Mannitol injection	85	$2.92	95	$3.27		
J2175	Meperidine hydrochl /100 MG	85	$0.48	95	$0.53	95	$0.56
J2180	Meperidine/promethazine inj	85	$4.02				
J2185	Meropenem	85	$4.40				
J2210	Methylergonovin maleate inj	85	$3.67				
J2250	Inj midazolam hydrochloride	85	$1.14				
J2260	Inj milrinone lactate / 5 MG	85	$46.15			95	$51.58
J2270	Morphine sulfate injection	85	$0.69	95	$0.77	95	$0.71
J2271	Morphine so4 injection 100mg	85	$4.08			95	$7.82
J2275	Morphine sulfate injection	85	$1.70	95	$2.38	95	$4.39
J2280	Inj, moxifloxacin 100 mg	85	$9.30				
J2300	Inj nalbuphine hydrochloride	85	$1.35	95	$1.59		
J2310	Inj naloxone hydrochloride	85	$2.12				
J2320	Nandrolone decanoate 50 MG	85	$3.43	95	$3.84		
J2321	Nandrolone decanoate 100 MG	85	$6.25	95	$7.67		
J2322	Nandrolone decanoate 200 MG	85	$14.08	95	$15.74		
J2324	Nesiritide	85	$129.20				
J2353[f]	Octreotide injection, depot	85	$71.09				
J2354[f]	Octreotide inj, non-depot	85	$3.94				
J2355	Oprelvekin injection	85	$239.67				
J2360	Orphenadrine injection	85	$4.85	95	$5.42		
J2370	Phenylephrine hcl injection	85	$1.15	95	$1.28		
J2400	Chloroprocaine hcl injection	85	$5.72				

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J2405	Ondansetron hcl injection	87	$5.58				
J2410	Oxymorphone hcl injection	85	$2.64				
J2430	Pamidronate disodium /30 MG	85	$237.88				
J2440	Papaverin hcl injection	85	$2.98				
J2460	Oxytetracycline injection	85	$0.91	95	$1.01		
J2501	Paricalcitol	85	$4.49				
J2505[f]	Injection, pegfilgrastim 6mg	85	$2,507.50				
J2510	Penicillin g procaine inj	85	$8.58	95	$9.60		
J2515	Pentobarbital sodium inj	85	$1.18				
J2540	Penicillin g potassium inj	85	$0.26	95	$0.29		
J2543	Piperacillin/tazobactam	85	$4.36	95	$4.90		
J2545	Pentamidine isethionte/300mg	85	$40.12				
J2550	Promethazine hcl injection	85	$2.55	95	$2.85		
J2560	Phenobarbital sodium inj	85	$1.44	95	$1.62		
J2590	Oxytocin injection	85	$1.15				
J2597	Inj desmopressin acetate	85	$3.09				
J2650	Prednisolone acetate inj	85	$0.22				
J2670	Totazoline hcl injection	85	$3.51				
J2675	Inj progesterone per 50 MG	85	$3.18				
J2680	Fluphenazine decanoate 25 MG	85	$8.02	95	$8.96		
J2690	Procainamide hcl injection	85	$1.27				
J2700	Oxacillin sodium injeciton	85	$0.71	95	$0.80		
J2710	Neostigmine methylslfte inj	85	$0.59				
J2720	Inj protamine sulfate/10 MG	85	$0.68	95	$0.76		
J2725	Inj protirelin per 250 mcg	85	$21.83				
J2730	Pralidoxime chloride inj	85	$92.12				
J2760	Phentolaine mesylate inj	85	$28.56				
J2765	Metoclopramide hcl injection	85	$1.32	95	$1.81		
J2770	Quinupristin/dalfopristin	85	$102.52				
J2780	Ranitidine hydrochloride inj	85	$1.29				

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J2783	Rasburicase	85	$105.54				
J2788	Rho d immune globulin 50 mcg	85	$45.82				
J2790	Rho d immune globulin inj	85	$89.76				
J2792	Rho(D) immune globulin h, sd	85	$18.39				
J2795	Ropivacaine HCl injection	85	$0.06				
J2800	Methocarbamol injection	85	$3.40				
J2820	Sargramostim injection	80	$24.47				
J2910	Aurothioglucose injeciton	85	$15.49				
J2912	Sodium chloride injection	85	$0.44				
J2916	Na ferric gluconate complex	85	$7.31				
J2920	Methylprednisolone injection	85	$1.41	95	$2.11		
J2930	Methylprednisolone injection	85	$1.72	95	$3.24		
J2940	Somatrem injection	85	$40.76				
J2941	Somatropin injection	85	$41.09				
J2950	Promazine hcl injection	85	$0.41	95	$0.46		
J2993	Reteplase injection	85	$1,168.75				
J2995	Inj streptokinase /250000 IU	85	$79.69	95	$89.06		
J2997	Alteplase recombinant	85	$32.83	95	$36.70		
J3000	Streptomycin injection	85	$5.67	95	$6.35		
J3010	Fentanyl citrate injeciton	85	$0.72	95	$0.93	95	$0.93
J3030	Sumatriptan succinate / 6 MG	85	$23.76				
J3070	Pentazocine injection	85	$4.67	95	$5.23		
J3100	Tenecteplase injection	85	$2,407.63				
J3105	Terbutaline sulfate inj	85	$26.30	95	$29.39		
J3120	Testosterone enanthate inj	85	$8.03	95	$8.98		
J3130	Testosterone enanthate inj	85	$16.07	95	$17.96		
J3230	Chlorpromazine hcl injection	85	$3.93	95	$4.40		
J3240	Thyrotropin injection	85	$552.50				
J3245	Tirofiban hydrochloride	85	$421.77				
J3250	Trimethobenzamide hcl inj	85	$1.39	95	$1.55		

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J3260	Tobramycin sulfate injection	85	$3.99	95	$4.46		
J3265	Injection torsemide 10 mg/ml	85	$1.39				
J3280	Thiethylperazine maleate inj	85	$5.06	95	$5.65		
J3301	Triamcinolone acetonide inj	85	$1.43	95	$1.60		
J3302	Triamcinolone diacetate inj	85	$0.31				
J3303	Triamcinolone hexacetonl inj	85	$0.90				
J3305	Inj trimetrexate glucoronate	85	$127.50				
J3315	Triptorelin pamoate	85	$356.66				
J3320	Spectinomycn di-hcl inj	85	$25.30				
J3360	Diazepam injection	85	$0.77	95	$0.86		
J3364	Urokinase 5000 IU injection	85	$9.15	95	$10.23		
J3365	Urokinase 250,000 IU inj	85	$457.66	95	$511.50		
J3370	Vancomycin hcl injection	85	$2.57	95	$7.96		
J3395	Verteporfin injection	85	$1,304.75				
J3410	Hydroxyzine hcl injection	85	$1.08	95	$1.21		
J3411	Thiamine hcl 100 mg	85	$0.85				
J3415	Pyridoxine hcl 100 mg	85	$0.47				
J3420	Vitamin b12 injection	85	$0.15	95	$0.17		
J3430	Vitamin k phytonadione inj	85	$1.98	95	$2.21		
J3465	Injection, voriconazole	85	$4.51				
J3475	Inj magnesium sulfate	85	$0.21				
J3480	Inj potassium chloride	85	$0.07				
J3485	Zidovudine	85	$0.91				
J3486	Ziprasidone mesylate	85	$18.60				
J3487	Zoledronic acid	85	$194.54				
J7030	Normal saline solution infus	85	$7.43				
J7040	Normal saline solution infus	85	$4.19				
J7042	5% dextrose/normal saline	85	$8.45				
J7050	Normal saline solution infus	85	$1.64				
J7051	Sterile saline/water	85	$0.07				

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J7060	5% dextrose/water	85	$7.86				
J7070	D5w infusion	85	$9.81				
J7100	Dextran 40 infusion	85	$22.47				
J7110	Dextran 75 infusion	85	$12.72				
J7120	Ringers lactate infusion	85	$10.51				
J7130	Hypertonic saline solution	85	$0.46				
J7190	Factor viii	95	$0.87				
J7191	Factor VIII (porcine)	95	$2.04				
J7192	Factor viii recombinant	95	$1.29				
J7193	Factor IX non-recombinant	95	$1.12				
J7194	Factor ix complex	95	$0.40				
J7195	Factor IX recombinant	95	$0.95				
J7197	Antithrombin iii injection	95	$1.50				
J7198	Anti-inhibitor	95	$1.43				
J7308	Aminolevulinic acid hcl top	85	$90.31				
J7310	Ganciclovir long act implant	85	$4,250.00				
J7317	Sodium hyaluronate injection	85	$124.11				
J7320	Hylan G-F 20 injection	82	$201.24				
J7330	Cultured chondrocytes implnt	85	$13,566.00				
J7340	Metabolic active D/E tissue	85	$26.21				
J7342	Metabolically active tissue	85	$13.78				
J7500	Azathioprine oral 50mg	85	$1.11				
J7501	Azathioprine parenteral	85	$53.54				
J7502	Cyclosporine oral 100 mg	85	$4.67				
J7504	Lymphocyte immune globulin	85	$249.36				
J7506	Prednisone oral	85	$0.02				
J7507	Tacrolimus oral per 1 MG	85	$3.13				
J7509	Methylprednisolone oral	85	$0.44				
J7510	Prednisolone oral per 5 mg	85	$0.03				
J7511	Antithymocyte globuln rabbit	85	$319.94				

HCPCS	Short Description	AWP %	2004 Payment Limit for Drugs (other than ESRD drugs separately billed by independent ESRD Facilities and drugs infused through DME)	ESRD %	2004 Payment Limit for ESRD Drugs Separately Billed by Independent ESRD Facilities[c]	DME Infusion %	2004 Payment Limit for Drugs when Infused through DME[d]
J7513	Daclizumab, parenteral	85	$380.36				
J7515	Cyclosporine oral 25 mg	85	$1.17				
J7517	Mycophenolate mofetil oral	86	$2.54				
J7520	Sirolimus, oral	85	$6.38				
J7525	Tacrolimus injection	85	$106.29				
J7608	Acetylcysteine inh sol u d	80	$25.83				
J7618	Albuterol inh sol con	85	$0.13				
J7619	Albuterol inh sol u d	80	$0.18				
J7621[f]	(Levo)albuterol/Ipra-bromide	80	$1.60				
J7622	Beclomethasone inhalatn sol	85	$0.03				
J7626	Budesonide inhalation sol	85	$4.04				
J7631	Cromolyn sodium inh sol u d	80	$0.31				
J7633	Budesonide concentrated sol	85	$0.03				
J7635	Atropine inhal sol con	85	$0.20				
J7636	Atropine inhal sol unit dose	85	$0.20				
J7637	Dexamethasone inhal sol con	85	$0.09				
J7638	Dexamethasone inhal sol u d	85	$0.09				
J7639	Dornase alpha inhal sol u d	85	$14.92				
J7641	Flunisolide, inhalation sol	85	$0.07				
J7642	Glycopyrrolate inhal sol con	85	$0.50				
J7643	Glycopyrrolate inhal sol u d	85	$0.50				
J7644	Ipratropium brom inh sol u d	80	$2.82				
J7658	Isoproterenolhcl inh sol con	85	$3.25				
J7659	Isoproterenol hcl inh sol ud	85	$3.25				
J7680	Terbutaline so4 inh sol con	85	$0.01				
J7681	Terbutaline so4 inh sol u d	85	$0.01				
J7683	Triamcinolone inh sol con	85	$0.10				
J7684	Triamcinolone inh sol u d	85	$0.10				
J9000	Doxorubic hcl 10 MG vl chemo	85	$8.67			95	$9.69
J9001	Doxorubicin hcl liposome inj	85	$352.06				

HCPCS	Short Description	AWP %	2004 Payment Limit for Drugs (other than ESRD drugs separately billed by independent ESRD Facilities and drugs infused through DME)	ESRD %	2004 Payment Limit for ESRD Drugs Separately Billed by Independent ESRD Facilities[c]	DME Infusion %	2004 Payment Limit for Drugs when Infused through DME[d]
J9010	Alemtuzumab injection	85	$523.00				
J9015	Aldesleukin/single use vial	85	$657.15				
J9017	Arsenic trioxide	85	$2.81				
J9020	Asparaginase injection	85	$56.02				
J9031	Bcg live intravesical vac	85	$143.28				
J9040	Bleomycin sulfate injection	85	$150.61			95	$230.95
J9045	Carboplatin injection	81	$126.83				
J9050	Carmus bischl nitro inj	85	$121.84				
J9060	Cisplatin 10 MG injection	85	$13.56				
J9062	Cisplatin 50 MG injection	85	$67.79				
J9065	Inj cladribine per 1 MG	85	$47.81			95	$64.74
J9070	Cyclophosphamide 100 MG inj	85	$5.13				
J9080	Cyclophosphamide 200 MG inj	85	$9.74				
J9090	Cyclophosphamide 500 MG inj	85	$20.45				
J9091	Cyclophosphamide 1.0 grm inj	85	$40.92				
J9092	Cyclophosphamide 2.0 grm inj	85	$81.82				
J9093	Cyclophosphamide lyophilized	85	$5.21				
J9094	Cyclophosphamide lyophilized	85	$10.41				
J9095	Cyclophosphamide lyophilized	85	$20.45				
J9096	Cyclophosphamide lyophilized	85	$40.92				
J9097	Cyclophosphamide lyophilized	85	$83.95				
J9098	Cytarabine liposome	85	$332.35				
J9100	Cytarabine hcl 100 MG inj	85	$7.33			95	$3.19
J9110	Cytarabine hcl 500 MG inj	85	$7.65			95	$8.55
J9120	Dactinomycin actinomycin d	85	$12.41				
J9130	Dacarbazine 100 mg inj	85	$10.04				
J9140	Dacarbazine 200 MG inj	85	$19.73				
J9150	Daunorubicin	85	$66.42				
J9151	Daunorubicin citrate liposom	85	$57.80				
J9160	Denileukin diftitox, 300 mcg	85	$1,190.85				

HCPCS	Short Description	AWP %	2004 Payment Limit for Drugs (other than ESRD drugs separately billed by independent ESRD Facilities and drugs infused through DME)	ESRD %	2004 Payment Limit for ESRD Drugs Separately Billed by Independent ESRD Facilities[c]	DME Infusion %	2004 Payment Limit for Drugs when Infused through DME[d]
J9165	Diethylstilbestrol injection	85	$12.89				
J9170	Docetaxel	80	$301.40				
J9178[f]	Inj, epirubicin hcl, 2 mg	85	$24.73				
J9181	Etoposide 10 MG inj	85	$1.53				
J9182	Etoposide 100 MG inj	85	$15.30				
J9185	Fludarabine phosphate inj	85	$318.59				
J9190	Fluorouracil injection	85	$1.85			95	$2.21
J9200	Floxuridine injection	85	$124.42			95	$136.80
J9201	Gemcitabine HCl	80	$101.90				
J9202	Goserelin acetate implant	80	$375.99				
J9206	Irinotecan injection	80	$122.73				
J9208	Ifosfomide injection	85	$134.55				
J9209	Mesna injection	85	$31.45				
J9211	Idarubicin hcl injection	85	$375.73				
J9212	Interferon alfacon-1	85	$3.67				
J9213	Interferon alfa-2a inj	85	$31.21				
J9214	Interferon alfa-2b inj	85	$13.31				
J9215	Interferon alfa-n3 inj	85	$7.03				
J9216	Interferon gamma 1-b inj	85	$187.19				
J9217	Leuprolide acetate suspnsion	81	$500.58				
J9218	Leuprolide acetate injeciton	85	$23.26				
J9219	Leuprolide acetate implant	85	$4,831.40				
J9230	Mechlorethamine hcl inj	85	$10.74				
J9245	Inj melphalan hydrochl 50 MG	85	$375.88				
J9250	Methotrexate sodium inj	85	$0.34				
J9260	Methotrexate sodium inj	85	$4.25				
J9263	Oxaliplatin	85	$8.45				
J9265	Paclitaxel injection	81	$139.90				
J9266	Pegaspargase/singl dose vial	85	$1,277.13				
J9268	Pentostatin injection	85	$1,644.27				

HCPCS	Short Description	AWP %	2004 Payment Limit for Drugs (other than ESRD drugs separately billed by independent ESRD Facilities and drugs infused through DME)	ESRD %	2004 Payment Limit for ESRD Drugs Separately Billed by Independent ESRD Facilities[c]	DME Infusion %	2004 Payment Limit for Drugs when Infused through DME[d]
J9270	Plicamycin (mithramycin) inj	85	$83.93				
J9280	Mitomycin 5 MG inj	85	$57.12				
J9290	Mitomycin 20 MG inj	85	$185.64				
J9291	Mitomycin 40 MG inj	85	$255.00				
J9293	Mitoxantrone hydrochl / 5 MG	85	$321.52				
J9300	Gemtuzumab ozogamicin	85	$1,953.94				
J9310	Rituximab cancer treatment	81	$427.28				
J9320	Streptozocin injection	85	$126.58				
J9340	Thiotepa injection	85	$83.73				
J9350	Topotecan	84	$706.17				
J9355	Trastuzumab	85	$52.01				
J9357	Valrubicin, 200 mg	85	$471.24				
J9360	Vinblastine sulfate inj	85	$2.81			95	$4.10
J9370	Vincristine sulfate 1 MG inj	85	$15.99			95	$33.98
J9375	Vincristine sulfate 2 MG inj	85	$46.40			95	$67.96
J9380	Vincristine sulfate 5 MG inj	85	$79.97			95	$169.91
J9390	Vinorelbine tartrate/10 mg	81	$76.19				
J9395	Injection, Fulvestrant	85	$78.36				
J9600	Porfimer sodium	85	$2,329.60				
P9041	Albumin (human),5%, 50ml	85	$13.01				
P9043	Plasma protein fract,5%,50ml	85	$13.01				
P9045	Albumin (human), 5%, 250 ml	85	$49.30				
P9046	Albumin (human), 25%, 20 ml	85	$13.01				
P9047	Albumin (human), 25%, 50ml	85	$49.30				
P9048	Plasmaprotein fract,5%,250ml	85	$26.04				
Q0136	Non esrd epoetin alpha inj	87	$11.62				
Q0137[f]	Darbepoetin alfa, non-esrd	85	$4.24				
Q0163	Diphenhydramine HCl 50mg	85	$0.08				
Q0164	Prochlorperazine maleate 5mg	85	$0.51				
Q0165	Prochlorperazine maleate10mg	85	$0.77				

HCPCS	Short Description	AWP %	2004 Payment Limit for Drugs (other than ESRD drugs separately billed by independent ESRD Facilities and drugs infused through DME)	ESRD %	2004 Payment Limit for ESRD Drugs Separately Billed by Independent ESRD Facilities[c]	DME Infusion %	2004 Payment Limit for Drugs when Infused through DME[d]
Q0166	Granisetron HCl 1 mg oral	85	$39.98				
Q0167	Dronabinol 2.5mg oral	85	$2.93				
Q0168	Dronabinol 5mg oral	85	$7.96				
Q0169	Promethazine HCl 12.5mg oral	85	$0.28				
Q0170	Promethazine HCl 25 mg oral	85	$0.02				
Q0171	Chlorpromazine HCl 10mg oral	85	$0.06				
Q0172	Chlorpromazine HCl 25mg oral	85	$0.08				
Q0173	Trimethobenzamide HCl 250mg	85	$0.40				
Q0174	Thiethylperazine maleate10mg	85	$0.67				
Q0175	Perphenazine 4mg oral	85	$0.51				
Q0176	Perphenazine 8mg oral	85	$0.83				
Q0177	Hydroxyzine pamoate 25mg	85	$0.31				
Q0178	Hydroxyzine pamoate 50mg	85	$0.27				
Q0179	Ondansetron HCl 8mg oral	85	$27.22				
Q0180	Dolasetron mesylate oral	85	$64.80				
Q0183	Nonmetabolic active tissue	85	$13.78				
Q0187	Factor viia recombinant	95	$1,681.50				
Q2009	Fosphenytoin, 50 mg	85	$5.44				
Q2011	Hemin, per 1 mg	85	$2,071.88				
Q2022	VonWillebrandFactrCmplxperIU	95	$0.95				
Q3025	IM inj interferon beta 1-a	85	$76.23				
Q4054[f]	Darbepoetin alfa, esrd use	85	$4.24				
Q4055[f]	Epoetin alfa, esrd use	87	$11.62				
Q4075	Acyclovir, 5 mg					95	$0.47
Q4076	Dopamine hcl, 40 mg					95	$0.42
Q4077	Treprostinil, 1 mg					95	$61.75

(a) The absence or presence of a HCPCS code and payment limit in this table does not indicate Medicare coverage of the drug.

(b) The default payment limit for a drug listed in this table is based on 85 percent of the AWP determined as of April 1, 2003. Other percentages and/or dates may apply to certain drugs as described earlier in this regulation.

(c) This listing of drugs furnished in connection with renal dialysis services and separately billed by renal dialysis facilities is comprehensive but may not be exhaustive. The payment limit for a drug furnished in connection with a renal dialysis service and separately billed by a renal dialysis facility is based on 95 percent of the AWP regardless of its possible absence from this list.

(d) The payment limit for a drug infused through DME is based on 95 percent of the AWP for the drug in effect on October 1, 2003.

(e) Based on our review of data and information submitted by the manufacturer, we will pay for these drugs when furnished in 2004 at 94 percent of the AWP determined as of April 1, 2003.

(f) While the following list of drug HCPCS codes in new for CY 2004, the drugs they represent were available for payment as of April 1, 2003 under existing HCPCS codes. Below is a listing of the replacement/reference HCPCS for the new HCPCS drug codes effective January 1, 2004.

New HCPCS Code (effective 1/1/04)	Replacement/Reference HCPCS Code
J0152	J0151
J1595	Q2010
J2001	J2000
J2353, J2354	J2352
J2505	Q4053
J7621	J7618-J7620; J7644
J9178	J9180
Q0137, Q4054	J0880
Q4055	Q9920-Q9940

[FR Doc. 03–32323 Filed 12–31–03; 8:45 am]

BILLING CODE 4120–01–C

Rules and Regulations

Federal Register

Vol. 69, No. 4

Wednesday, January 7, 2004

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AH36

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®–24P, –52B, –61BT, –24PHB, and –32PT Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to revise the Transnuclear, Inc. (TN) Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1004. Amendment No. 5 will add another dry shielded canister (DSC), designated NUHOMS®–32PT DSC, to the authorized contents of the Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system. This canister is designed to accommodate 32 pressurized water reactor (PWR) assemblies with or without Burnable Poison Rod Assemblies. It is designed for use with the existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask under a general license.

EFFECTIVE DATE: This final rule is effective on January 7, 2004.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that ''[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license, publishing a final rule in 10 CFR Part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR Part 72, entitled ''Approval of Spent Fuel Storage Casks'' containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on December 22, 1994 (59 FR 65920), that approved the Standardized NUHOMS®–24P and –52B cask design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance Number (CoC No.) 1004. Amendments No. 3 and 6 added the –61BT DSC and the –24PHB DSC, respectively, to the system.

Discussion

On June 29, 2001, the certificate holder (TN) submitted an application to the NRC to amend CoC No. 1004 to add another dry shielded canister, designated NUHOMS®–32PT DSC, to the authorized contents of the Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system. This canister is designed to accommodate 32 PWR assemblies with or without Burnable Poison Rod Assemblies. It is designed for use with the existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask. No other changes to the Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system were requested in this application. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that an acceptable safety margin is maintained. In addition, the NRC staff has determined that there is still reasonable assurance that public health and safety and the environment will be adequately protected.

This rule revises the Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system listing in § 72.214 by adding Amendment No. 5 to CoC No. 1004. The particular Technical Specifications (TS) which are changed are identified in the NRC staff's Safety Evaluation Report (SER) for Amendment No. 5.

The NRC published a direct final rule (68 FR 49683; August 19, 2003) and the companion proposed rule (68 FR 49726) in the **Federal Register** to revise the TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system listing in 10 CFR 72.214 to include Amendment 5 to the CoC. The comment period ended on September 18, 2003. One comment letter was received on the proposed rule. The comments were considered to be significant and adverse and warranted withdrawal of the direct final rule. A notice of withdrawal was published in the **Federal Register** on October 30, 2003; 68 FR 61734.

The NRC finds that the amended TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system, as designed and when fabricated and used in accordance with the conditions specified in its CoC, meets the requirements of Part 72. Thus, use of the amended TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system, as approved by the NRC, will provide adequate protection of public health and safety and the environment. With this final rule, the NRC is approving the use of the TN Standardized NUHOMS®–24P, –52B, –61BT, –24PHB, and –32PT cask system under the general license in 10 CFR Part 72, Subpart K, by holders of power reactor operating licenses under 10 CFR Part 50. Simultaneously, the NRC is issuing a final SER and CoC that will be effective on January 7, 2004. Single copies of the CoC and SER are available for public inspection and/or copying for a fee at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Copies of the public comments are

available for review in the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD.

Summary of Public Comments on the Proposed Rule

The NRC received one comment letter on the proposed rule. A copy of the comment letter is available for review in the NRC Public Document Room. The NRC's responses to the issues raised by the commenter follow. As stated in the proposed rule (68 FR 49726; August 19, 2003), the NRC considered this amendment to be a noncontroversial and routine action. Therefore, the NRC published a direct final rule (68 FR 49683; August 19, 2003) concurrent with the proposed rule (68 FR 49683; August 19, 2003). The NRC indicated that if it received a ''significant adverse comment'' on the proposed rule, the NRC would publish a document withdrawing the direct final rule and subsequently publish a final rule that addressed comments made on the proposed rule. The NRC believes some of the issues raised by the commenter were ''significant adverse comments.'' Therefore, the NRC published a notice withdrawing the direct final rule (68 FR 61734; October 30, 2003). This subsequent final rule addresses the issues raised by the commenter that were within the scope of the proposed rule.

Comments on Amendment 5 to the TN Standardized NUHOMS®–24P, –52B, –61BT, –24PHB, and –32PT Cask System

The commenter provided specific comments on the Technical Specifications, the SER, and the Final Safety Analysis Report (FSAR). None of these documents were changed as a result of public comments. A review of the comments and the NRC's responses follows:

Comment 1: The commenter stated that TS 1.1.1 set the limits of 0.17g vertical and 0.25g horizontal on seismic accelerations and identified these limits as site-specific parameters. The commenter also stated that the SER was equally ambiguous in paragraph 3.1.2.1.7. The commenter recommended that the TS be corrected to state unequivocally that 0.25g and 0.17g are, respectively, the maximum permitted values of the peak horizontal and vertical accelerations at the NUHOMS/Independent Fuel Storage Installation (ISFSI) pad interface.

To support this recommendation, the commenter referred to an inspection of the FSAR which revealed that 0.25g and 0.17g are applied as peak horizontal and vertical ground accelerations on the NUHOMS system. The commenter stated that it is common knowledge in geomechanics that the free field accelerations at the site can be magnified considerably on the pad due to soil-structure interaction effects. The commenter added that TN's analysis of NUHOMS assumes that 0.25g and 0.17g horizontal and vertical accelerations are applied on the horizontal storage module (HSM) basemat; thus, these are the limiting values of on-the-pad accelerations, not ''site parameters'' as noted in the TS.

Response: Page A–1 of the Technical Specifications states the following. ''* * * site specific parameters and analyses, identified in the SER, that will need verification by the system user, are, as a minimum, as follows: * * *''. Item 3, in that listing, states: ''The horizontal and vertical seismic acceleration levels of 0.25g and 0.17g, respectively.''

The commenter indicates that the SER is ambiguous in addressing when the site-specific seismic parameters are to be taken as design values. In quoting Section 3.1.2.1.7 of the SER, the commenter did not include the second sentence of the SER paragraph. That second sentence of the paragraph states that: ''The location of these accelerations is taken at the top of the concrete pad/basemat of the HSM.'' What the actual values are is a function of the site which includes the ground accelerations and soil structure interaction effects.

No additional clarification is necessary in the Technical Specifications.

Comment 2: The commenter quoted a portion of § 72.130 which mandates that the ISFSI must be designed for decommissioning, particularly it must be designed ''to facilitate the removal of radioactive wastes * * *''.

The commenter stated that, based on the information presented in the FSARs and NRC's SER, one cannot conclude with reasonable confidence that the loaded –32PT dry shielded canisters will be able to be removed by the hydraulic ram after the NUHOMS modules have been on the storage pad for their licensed life (20 years).

To support this view, the commenter presented two main technical reasons for pessimism with regard to the removal of the loaded DSCs after 20 years of storage; namely, potential for long-term settlement of the pad and weathering (corrosion) of the DSC/rail interface under extended exposure (20 years) to the elements.

With respect to long-term settlement, the commenter noted that TS 1.2.9 stipulates that the transfer ''cask must be aligned with respect to the horizontal storage module (HSM) so that the longitudinal centerline of the DSC in the transfer cask is within ± ⅛ inch of its true position when the cask is docked with the HSM front access opening.'' Further, this requirement, imposed to enable the DSC to be moved horizontally, is tedious but doable during initial loading. However, calculations performed for typical storage pads loaded with heavy casks show that the long-term differential settlement from soil creep can be several inches over 20 years. The commenter stated that NUHOMS's FSAR makes no special demands on the soil strength to limit long-term settlement of the pad. The commenter further stated that there are no specific strength limits applied on the NUHOMS pad either which, along with the absence of a mandated hard subgrade, would likely lead to several inches of differential settlement of the pad over 20 years of storage, and the user's ability to maintain the alignment specified in TS 1.2.9 will be lost. The commenter claimed that the DSC will be in an irremovable state, in direct violation of § 72.130.

Response: As stated in Section 1.3.1.2 of the FSAR, ''The HSMs are constructed on a load bearing foundation which consists of a reinforced concrete basemat on compacted engineered fill.'' The general licensee is responsible for the design and construction of the HSM load bearing foundations. If a properly designed and constructed foundation system is completed for the basemat, several inches of hypothesized differential settlement should not develop. If differential settlement of a limited magnitude were to develop, the transport trailer is equipped with hydraulic jacks/positioners and an alignment system identified as the support skid positioning system that is normally used for the alignment of the transfer cask. This same system can be used to accommodate effects resulting from limited differential settlement between the basemat and the approach slab. If a situation were to develop where the support skid positioning system could not accommodate the differential settlement, the approach slab can be modified or other measures can be taken. See the following response on corrosion and environment.

Comment 3: The commenter stated that, under the general CoC authority, the NUHOMS system can be installed at any site in the U.S., including coastal sites and marine environments. The potential for surface corrosion, including pitting the DSC and HSM rail surfaces under the ambient

environmental conditions and its effect on the removability of the DSC, has not been considered in NUHOMS's August 2000 FSAR for the Standardized NUHOMS System or NRC's SER. This is in violation of § 72.236(m).

Response: The potential for surface corrosion (i.e., pitting corrosion) under the ambient environmental condition and its effect on the retrievability of the DSC has been considered by the selection of corrosion resistant materials. The DSC shell structure is fabricated from ASME SA 240, Type 304 stainless steel. Type 304 stainless steel has excellent corrosion resistance in a wide range of atmospheric environments and many corrosive media. The corrosion resistance is provided by the 18 percent minimum chromium content. The material used as the sliding surface of the DSC is a high-hardness stainless steel plate (Nitronic 60). The Nitronic 60 has similar corrosion resistance as Type 304 stainless steel. This plate is mounted on the HSM rails as shown in Drawing No. NUH–03–6016–SAR contained in FSAR, Appendix E. The surface of the Nitronic 60 is lubricated to minimize friction. Additionally, both the DSC and the DSC support structure are housed inside of the HSM reinforced concrete structure which protects it from direct exposure to the weather. Therefore, staff concludes that none of the DSC and HSM rail materials are expected to degrade or react with each other. Further, staff concludes that the NUHOMS design considers the effects of environmental conditions and retrievability and meets the requirements of 10 CFR 72.236(m).

Comment 4: The commenter claimed that the maximum allowable hydraulic push and pull forces specified in the FSAR are not equal. The commenter stated that the push force is 80 kilopounds (kips); the permitted pull force is only 60 kips. The commenter further stated that it is during the removal of the DSC, when the DSC must be dragged over the corroded HSM rails, that the risk of failure to remove the canister lies. Yet, the allowable pull for the DSC extraction condition is 25 percent less than the available push force during initial insertion. Further, the coefficient of friction during DSC push assumed in the FSAR to be 0.2 is unrealistically low for weathered sliding surfaces.

Response: The commenter is in error in stating that the maximum allowed extraction force for the removal of the DSC from the HSM is 60 kips. It is 60 kips under normal loading and 80 kips for off-normal loadings which is equal to the off-normal insertion loading (FSAR Table 3.2–1 and SER Section 3.1.2.1.2). The permitted loads for insertion and extraction are the same, but there is a difference in the permitted stress allowables. As stated on page 3.1–6 of the FSAR, the hydraulic ram used to exert the insertion or extraction force is sized assuming a coefficient of friction of 1.0.

Comment 5: The commenter noted that, in the FSAR, there was no stress analysis of the DSC bottom cover plate that is being pulled by the hydraulic ram against friction, in conjunction with the internal pressure present in the canister. The commenter stated that internal pressure and the hydraulic ram pull force act in concert to maximize the stress level in the cover plate and its junction with the DSC shell. The commenter believed that neglect of analysis of this scenario leaves the structural adequacy of the bottom outer lid open to question.

Response: Table 8.2–24 of Revision 5 of the FSAR shows that an analysis of the DSC was done for accident unloading conditions that assumed the full force of the ram (80 kips) and an internal pressure of 60 psi. The analysis showed that this situation was bounded by the 75g side drop load at Service Level D. Tables M.2–15 and M.3.7–10 show the same situation for the NUHOMS®–32PT system with the new internal design pressure of 105 psi. Sections 3.1.2.2 and 3.3.2 of the SER address these tables.

Comment 6: The commenter discussed the process of inserting a DSC in the HSM and noted that this requires careful alignment of large fabricated components in open air and that the time duration for such activities can be long. The commenter stated that the NRC imposes seismic requirements on canister transfer outside of Part 50 structures even in vertical operations (see NAC–UMS or HI–STORM FSAR, for example). Yet, for the more tedious horizontal insertion process in NUHOMS, there is no treatment of a concurrent seismic event or even tornado-borne missiles during DSC transfer operations. The commenter stated that this violates a provision in § 72.122(b)(2)(1) which requires that structures, systems, and components must be able to withstand the effects of natural phenomena such as earthquakes.

Response: The FSAR amendment in Section M.3.7.3.6 states that the effects of a seismic event occurring when a loaded DSC is resting inside the transfer cask (TC) have been analyzed. Reference is made to the fact that the conditions for the 32PT are bounded by the conditions used for the 24P analyses described in the original FSAR. The referenced section, Section 8.2.3.2(D), indicates that all conditions existing during loading or transport operations are enveloped by two loading cases that are described in the FSAR, one of which envelops and applies to this condition. TN has performed a stability analysis that shows there is a safety factor of at least 2.0 against overturning the cask/trailer assembly during a seismic event in this bounding case. During the cask transfer operation, the cask/trailer unit is attached to the HSM by the cask restraint devices that are anchored into the front of the HSM and are attached to the trunnions of the TC as shown in FSAR Figure 4.2–13. These restraints are designed for accident conditions and envelop seismic loads. The TC and the HSM are designed for tornado missiles as described in Section 3.2.1 of the FSAR, Revision 5. The NUHOMS system is designed to withstand seismic conditions as well as those produced by tornado-borne missiles.

Comment 7: The commenter stated that the 32PT DSC is the heaviest canister proposed for use thus far in the HSM. The commenter noted that NUHOMS's FSAR asserts that the DSC support structure is braced, presumably to incorporate seismic resistance. A review of the sketches provided in the FSAR showed no bracing. The commenter provided marked up pages from NUHOMS's FSAR for the Standardized NUHOMS System to indicate the missing braces. The commenter stated that, without the braces, the DSC support structure in the HSM is weak against axial or lateral overturning moments, especially the increased g-loads that will accompany the heavier 32PT DSC.

Response: The commenter is correct in stating that the 32PT DSC is the heaviest canister to date proposed for use in the NUHOMS Storage System. As stated by Transnuclear, Inc., on page 1.1–2 of the proposed FSAR revision for Amendment 5, the HSM has been qualified for a DSC weight of 102,000 pounds that envelops the 101,380 pounds for the 32PT in the storage configuration. As stated on page M.1–1 of Amendment 5, there is no change to the HSM required for the 32PT component for the NUHOMS system.

As shown in the FSAR, Revision 5, the DSC is supported on two rails that are supported by a structural steel frame in the cavity of the HSM. The frame structure is anchored to the reinforced concrete floor slab, the side walls, and the front wall. Figures 4.2–6 and 4.2–7 illustrate the longitudinal and transverse sections of the HSM with the DSC support structure inside. Figures 4.2–8 and 4.2–9 provide additional

details of the DSC support structure. These drawings show that the structural steel frame is a braced frame in both the transverse and longitudinal directions. A braced frame does not have to be additionally braced with diagonal bracing. Each planar frame or bent of the three dimensional structural frame is braced or restrained from transverse lateral movement, in the plane of the frame or bent, at the top by a structural steel channel section that acts as a strut or tie to the reinforced concrete wall of the HSM. In the longitudinal direction, the entire three-dimensional structural frame is braced through the rail extension plate and base plate that are anchored to reinforced concrete of the throat of the opening of the HSM. Figure 8.1–20 of the FSAR, Revision 5, presents the DSC structural support analytical model showing that this three dimensional (space) frame is considered to be a braced frame. It should be noted that there is another NUHOMS storage system, the Advanced NUHOMS Storage System, that has different features and was developed for higher seismic application areas.

The DSC support structure inside the HSM is adequate for the specified input values to show conformance with § 72.236.

Comment 8: The commenter stated that the consideration of the tornado-borne missile in the FSAR for the Standardized NUHOMS System is oblivious to the real vulnerability of the HSM. The commenter further stated that the entire 3-foot thick top roof is held by a mere 4 anchors about 1½ inches in diameter, and the concrete-filled front door (over 7,000 pounds in weight) is not even held by bolts (rather by 3 straps). The commenter asserted that the FSAR for the Standardized NUHOMS System provides no analysis of the integrity of these weak locations in the HSM under natural environmental phenomena loads.

Response: Although the roof is held to the base by eight 1¼-inch steel bolts and the roof attachment angle assembly which would resist a significant lateral force, these are not the design features provided to resist roof lateral loads and other accident loads. There is a 4-inch key or ledge of concrete which sits in the base that is designed to resist lateral loads of the roof. Downward vertical loads are resisted by shear and bending of the roof with the downward loads carried out at the periphery in bearing to the base unit walls. The key detail can be seen in drawing NUH–03–6015, Rev. 5, Sheet 1 of 2.

Contrary to the assertion of the commenter, the HSM door is held on by bolts, not straps. Analyses of the HSM and the HSM door are presented in FSAR Sections 8.2.2 and 8.2.3 for tornado and seismic conditions. These analyses show that the entire HSM has been qualified for its design basis tornado and wind loads.

The HSM structure is adequately designed to resist the tornado and seismic loading conditions as required by § 72.236.

Comment 9: The commenter stated that how the structural features will resist a larger impact such as a plane should be a matter of concern to the agency in the after-9/11 world.

Response: The Commission believes that the best approach to dealing with threats from aircraft is through strengthening airport and airline security measures. Consequently, we continue to work closely with the appropriate Federal agencies to enhance aviation security and thereby the security of nuclear power plants and other NRC-licensed facilities. Shortly after the September 11, 2001, attacks, the NRC, working with representatives of the Federal Aviation Administration (FAA) and Department of Defense (DOD), determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the airspace above sensitive sites. This NOTAM strongly urged pilots to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, or expect to be interviewed by law enforcement personnel. Further, the NRC issued orders imposing additional physical protection measures for independent spent fuel storage installations using dry storage.

The NRC is conducting a comprehensive evaluation that includes consideration of potential consequences of terrorist attacks using various explosives or other terrorist techniques on dry storage casks. As part of this evaluation, the agency is looking at the structural integrity of dry storage cask systems and will consider the need for additional design requirements to enhance licensee security and public safety.

Comment 10: The commenter noted that, according to the FSARs, the –32PT DSC has purportedly been analyzed for a drop from 80 inches onto an unyielding surface with the added assumption that the transfer cask is rigid. This event is postulated to account for a potential drop of the loaded DSC in the transfer cask during its handling on the basemat. The calculations to compute the g-load, however, use an antiquated method that was determined to be unconservative by the NRC in the mid-1990s.

The commenter stated that, in 1997, the NRC established the acceptable method for reliably and conservatively predicting the g-load in a paper titled ''NRC Staff Technical Approach for Spent Fuel Storage Cask Drop and Tipover Accident Analysis.'' The commenter believed that the method relied on in the FSAR is unconservative and that a much higher value than 75g's will develop if the NUHOMS®–32PT DSC undergoes a free fall of 80 inches on a rigid surface without the benefits of an impact limiter.

Response: The commenter's reference to ''the NRC paper sets down the acceptable method for reliably and conservatively predicting the g-load'' has apparently been misinterpreted to mean that this is the only acceptable method for calculating the impact loads. The referenced paper, in its title, uses the words ''technical approach'' that is intended to imply that the methodology therein is acceptable to the NRC, but that does not mean that it is the only acceptable methodology that could be utilized. Analysis of drops from heights of up to 80 inches were chosen because they were representative of the worst case drops that might be found at an ISFSI, or along the transfer route. There was no assumption that the impacted surface was essentially unyielding or rigid. The methodology adopted by TN considered the stiffness of the impacted surface. As noted on page 3–19 of the NRC staff Safety Evaluation Report dated December 1994 for the Standardized NUHOMS Horizontal Modular Storage System for Irradiated Nuclear Fuel, the NRC staff independently completed calculations to verify that the design deceleration values were conservative.

Comment 11: The commenter stated that TS 1.2.13 permits lift heights of up to 80 inches in cold conditions based on nil ductility transition (NDT) temperature considerations of the transfer cask's materials. The commenter further stated that the underlying documents [Safety Analysis Report (SAR) or SER] do not address the top and bottom shield plugs that are very thick (over 6 inches) and made of a steel that is low-temperature incompetent (A–36). The commenter believed that at –20 F, the A–36 plugs will suffer extensive fracture under a 75-g impact load, perhaps even pulverization.

Response: The shield plugs are fabricated from American Society for Testing and Materials (ASTM) A36 steel, a commonly used steel for structural applications. ASTM A36 was

selected because of its high strength and metallurgical stability. However, if this material should experience temperatures below −20°F, its ductility (or fracture toughness) and its ability to be used for structural applications may be insufficient and, thereby, lead to potential fracture of the material. To address this issue, the user is constrained by the TS to ensure that fracture (pulverization, as characterized by the comment) does not occur. TS 1.2.13 prescribes the following limits: (1) No lifts or handling of the TC/DSC at any height are permissible at DSC temperatures below −20°F inside the spent fuel pool building; (2) the maximum lift height of the TC/DSC shall be 80 inches if the basket temperature is below 0°F, but higher than −20°F inside the spent fuel pool building; and (3) the maximum lift height and handling height for all transfer operations outside of the spent fuel pool building shall be 80 inches, and the basket temperature may not be lower than 0°F. Therefore, staff has concluded that the ASTM A36 carbon steel has sufficient fracture toughness (material properties) to remain functional, when operated under the limitations set forth in the TS.

Comment 12: The commenter stated that he was greatly concerned about the clear absence of critical structural welds in the fuel basket in the –32PT DSC. The commenter manually circled areas in the drawing details released to the public that show absence of welds in the fuel basket at critical load transfer locations under a horizontal drop condition.

Response: The commenter is correct in that welds are not shown in the drawing that was marked up and attached to the comments. However, this drawing is not intended to show the weld location and types because this information is contained in proprietary drawing NUH–32PT–1004, Rev 0, Sheet 2 of 2. All required critical locations are welded together. Section M.1.2.1 of Amendment 5 on page M.1–4 of the nonproprietary version provides a verbal description of the basket assembly. The following statement is made in that section: ''The basket structure consists of a grid assembly of welded stainless steel plates or tubes that make up a grid of 32 fuel compartments.''

Comment 13: The commenter stated that TNW's stress analysis of the basket appears to have a serious error, perhaps an erroneous assumption in the finite element model. The commenter stated that critical stress analyses figures were deleted from the nonproprietary copy and he could not offer further help.

Response: The commenter gives no information regarding any specific reference to the related NUHOMS documents and gives no indication as to the origin of the stress such as thermal, seismic, or some other loading condition with respect to the comment. It is assumed that the commenter believes that there are no welds between the various cells of the basket assembly and that the finite element analysis was conducted on a model that represented a continuum or structural integrity across the interfaces among the cells. With regard to the comment that ''critical stress analyses figures are deleted from the non-proprietary copy,'' if the commenter is referring to Figures M.3.6–1 through M.3.6–4, those figures in the proprietary version of Amendment 5 do not identify stresses. Instead, these figures provide the modeling details of the finite elements used in the analyses. The NRC staff has not identified any significant erroneous assumptions in the finite element models utilized.

Comment 14: The commenter quoted from NUREG–1536, Chapter 11, V.1, that ''an event may be analyzed for regulatory purposes even though no credible cause can be identified. Such events should be clearly identified as nonmechanistic.''

The commenter stated that NRC's regulatory practice has been to require a nonmechanistic tipover analysis of casks in long-term storage. According to the NUHOMS FSAR for the NUHOMS Standardized System, each horizontal storage module is freestanding. The height (15 feet) to width radio (9.7 feet wide) of the horizontal storage module is comparable to vertical ventilated systems (that tend to be about 18 feet high by 11 feet diameter) where NRC has always demanded a nonmechanistic tipover analysis. The commenter asked the question why the special dispensation for NUHOMS, with its top heavy structure (a 3-foot thick top roof held in place by slim anchors).

Response: The commenter states that the height to width ratio (15 feet to 9.7 feet) is comparable to vertical ventilated systems. This does not take into account the two side shield walls attached to a single HSM. This would make the limiting dimension 9.7 feet +4 feet = 13.7 feet. Therefore, the height to width ratio is not comparable to vertical ventilated systems ($^{15}/_{13}.7$= 1.09 is considerably less than $^{18}/_{11}$=1.6). The tipover analyses, however, are carried out on a single HSM unit.

The tipover of a single HSM was considered under specific loading conditions, namely the tornado effects as well as the seismic effects. The discussion on these analyses is included in the FSAR, Revision 5, in Sections 8.2.2.2.A.(i) and 8.2.3.2.B.(iii). The factors of safety are 1.38 and 1.24, respectively, against tipover. In the case of the tipover or liftoff of the 32PT DSC from the DSC support structure rails inside the HSM from a seismic event, the factor of safety is 1.20 as identified in Section M.3.7.3.1.2 of FSAR Amendment 5.

The nonmechanistic tipover analysis of a cask system is performed to ascertain that a cask that is handled, lifted, and moved will not suffer a loss of function under a tipover event. In other words, the specific cause or mechanism of that event such as a failed lifting apparatus or human error in the attachment of the lifting device is not identified as a credible cause. In the case of the NUHOMS design concept, the cask storage system that includes the DSC inside the HSM is never handled, lifted, or moved. The nonmechanistic events for this system are those considered when the DSC is in the TC as indicated in Figure 8.2–3 of the FSAR, Revision 5.

The relevant considerations have been made for the nonmechanistic tipover events.

Comment 15: The neutron absorber panels in 32PT DSC appear not to be ''fixed'' as required by § 72.124(b). ≤

Response: The neutron absorber plates are fixed in place. The plates are fixed using screws as shown on Drawing No. NUH–32PT–1003–SAR Sheet 2, Rev. 2.

Comment 16: The commenter stated that the required B–10 loading in the neutron absorber panels is minuscule, merely 0.007 gm/sq.cm., less than even 52BT for BWR fuel (which is 0.016 gm/sq.cm.), and a small fraction of that used in other casks (such as NAC–STC).

Response: The B–10 neutron absorber panels are not solely relied upon for criticality control. The minimum B–10 content of the absorber panels, along with the poison rod assemblies (PRAs) and the borated water, ensures that the 32PT canister will remain subcritical during loading and unloading operations.

Comment 17: The commenter stated that the reliance for reactivity control seems to be based on the so-called Poison Rod Assemblies (PRAs). These PRAs, vital to criticality control, are little more than stainless steel tubes filled with ''B_4C pellets'' (see PSER, Section 3.1.4.2). There are no requirements imposed on the size and integrity of the welds that will join the closure plugs to these thin-walled tubes (as little as 0.018-inch thick per Figure M.1.6–2 in the SAR).

Response: The NUHOMS SAR includes commitments to perform dimensional measurements and visual examination for both the neutron absorber plates and PRAs in Section M.9. The visual examination (per ASME or American Welding Society (AWS)) will identify any weld discontinuities (such as cracks, porosity, blisters, or foreign inclusions) on the end cap of the PRA.

Comment 18: The commenter stated that the so-called nonstructural PRA closure welds, without any regulatory requirements on their NDE, are the sole barrier against leaching out Boron Carbide from the PRAs. The commenter stated that a total reliance on the micro-seal welds to hold B_4C in place to preserve criticality safety appeared to be incredulous, considering that the PRAs will be subject to thermal stresses during fuel loading and be quite hot in long-term storage. The commenter added that there is no requirement to purge air and moisture from the PRA tubes before seal welding its contents. This means entrained air and moisture will be locked in every PRA in the stored fuel.

Response: The temperatures that the PRAs are subjected to are not hot enough to generate a significant pressure from the relative humidity inside of the tube. The NRC staff does not anticipate a loss of the seal welded end cap due to internal pressure build-up. Further, because there is no electrolyte present in the PRAs and since boron carbide is insoluble and inert, there should be no corrosion or chemical interaction between the stainless steel and the boron carbide pellets. It should be noted that if there were any defective weld discontinuities on the end cap of a PRA while the cask is inside the pool, there would be practically no leaching of boron from the defective weld on the closure plug. Boron carbide is virtually insoluble in water. See ASTM Standard Specification for Nuclear-Grade Boron Carbide Powders (C 750–03). Additionally, as stated in Section M.1.2.2.3.1 of the SAR, the PRAs are only necessary during loading and unloading operations. The NRC staff has concluded that the criticality safety is not compromised during loading and unloading operations because there is no mechanism that will cause leaching out of the boron from the PRAs.

Comment 19: The commenter stated that the 32PT DCS is in violation of § 72.236(h) which requires that the ''spent fuel storage cask must be compatible with wet and dry spent fuel loading and unloading facilities.'' To support this view, the commenter stated that the storage slots in the 32PT DSC are 8.7-inch x 8.7-inch (nominal) opening (see PSER). The FSAR for the Standardized NUHOMS System specifies ''the minimum open dimension or each fuel compartment is 8.60 inches x 8.60 inches.'' The commenter stated that, having worked for PWR Nuclear Steam Safety System (NSSS) suppliers for many years, no Westinghouse or B&W plant has fuel storage racks with 8.6-inch (min) or 8.7-inch (nom.) opening dimension. Irradiated fuel tends to bend, bow, and twist in the reactor; for this reason, PWR reactor suppliers require large storage cell openings. The 32PT DSC, with 8.6-inch (min.) opening, would be an engineered stuck fuel event.

Response: The dimensions of the fuel compartment openings are adequate to accommodate the fuel assemblies including the Westinghouse and Babcock & Wilcox types. There is no degradation mechanism that would cause an assembly already in a cask to bow, except for an accident. Therefore, if an assembly is able to be loaded into a cask, it should be able to be unloaded.

Comment 20: In a related matter to Comment 19, above, the commenter expressed deep reservation about the loose aluminum blocks (visible in FSAR Amendment 5) that are assumed to be snugly fitting. The commenter stated that the 32PT DSC will be made from a thinner shell (½-inch) (to hold a heavier basket) than prior NUHOMS DSCs (⅝-inch thick shell). This means that the shell in the 32PT DSC will ovalize more from its dead weight and from full-length butt welds. The commenter further stated that snugly fitted aluminum blocks may appear acceptable on paper, but in real hardware are impossible to manufacture, and told NRC to recall that the lack of fabricability of VSC–24 baskets (cracking of steel plates at the toe of the bend) caused the industry an untold amount of grief.

Response: The commenter referenced Figure M.3.7.3, but it is assumed to have been intended to mean Figure M.3.7–3, ''0-Degree Side Drop Stress Intensity, 32PT Basket With Aluminum Transition Rails (Support Rails at +/ − 18.5-Degrees),'' in making the comment that ''the loose aluminum blocks * * * that are assumed to be snugly fitting.'' Figure M.3.7–3 is a schematic representation of the transverse cross-section of a DSC that illustrates the stress levels in the materials but does not show details of the configuration. Section M.1.5 of the FSAR contains the drawings that illustrate a configuration of the aluminum transition rail sections with respect to the stainless steel plates they are attached to. Drawing NUH–32PT–1006NP–SAR, Sheet 1 of 1, illustrates that there are attachment connectors between the aluminum transition rails, the rail plates, and the basket assembly. The connectors are stainless steel studs welded to the outside of the basket assembly. The studs and the basket assembly are shown on Drawing NUH–32PT–1003NP–SAR, Sheets 1 and 2 of 2, as Detail 2. The connection configuration also provides for differential thermal movements. Therefore, the aluminum transition rails are not loose and do not rely on a snug fit for their position.

The commenter indicates that because of the reduced thickness of the cylindrical shell of the 32PT DSC and the full length butt welds, there will be increased ovalization of the DSC shell under dead loads. The implication of the comment is apparently that this increased ovalization could potentially cause the assumed snugly fitting transition rails to become even looser. The DSC was analyzed for dead loads using the ANSYS finite element models shown in Figures 8.1–14a and 8.1–14b in the FSAR. One loading condition considers the fuel loaded DSC in a horizontal position with the dead loads. The fuel-loaded portions of the basket assembly bear on transition rails that then bear on the inner shell of the DSC. Figures M.3.6–3 and M.3.6–4 illustrate the model used with the shell and the basket for a typical support condition of the loaded DSC. Such a model is then analyzed to determine the primary membrane and membrane plus bending stresses as well as for the primary plus secondary stresses. Deformed shapes are also obtained from such analyses.

Figure M.3.6–12 illustrates the stress intensities in the DSC shell and the aluminum transition rails under the dead load of the spent fuel inside the basket assembly as supported in an HSM. This is considered a normal loading condition, and the appropriate stress allowables are 17,500 psi for primary membrane stress, 26,300 psi for membrane plus bending stresses, and 54,300 psi for primary plus secondary stresses. This particular loading condition produces very low stress intensities in the shell material that are 2,650 psi, 6,000 psi, and 7,000 psi, respectively, as identified by stress type above, as shown in Table M.3.6–2. With the worst case thermal effects that can be present under these normal conditions, combined with the dead load, the stress for the primary plus secondary stresses increases to 44,550 psi, still less than the 54,300 psi allowable. Figures M.3.6–12 and M.3.6–13 illustrate the results of the analyses.

With these stress levels that show that the material remains in the elastic behavior range, deformations will remain elastic. Specific comparisons of elastic deformations between a 0.625-inch shell thickness and a 0.500-inch shell thickness under dead load conditions have not been made by the NRC. It is correct that there would be more ovalization with a thinner shell; however, the incremental change has no apparent impact on the capability of the DSC to perform its intended storage function cradled on the pair of support rails within the HSM. The effects of longitudinal butt welds in the cylindrical shell on the tendency of the shell to become oval have been considered and have been determined to be of no safety consequence.

The commenter states that snugly fitting aluminum blocks that are the transition rails will be impossible to manufacture. This comment is assumed to have been related to the difficulty that could arise if the positions of the aluminum transition rails were to rely on a ''snug fit.'' As noted above, the transition rails are positioned controlled via studs attached to the basket assembly. The NRC has no information that would indicate that the solid aluminum transition rails cannot be manufactured by current machining practices to the necessary dimensions and tolerances.

Comment 21: The commenter stated that he was surprised to learn from the supplier's FSAR that a loaded 32PT DSC canister will have no provision to be lifted on its own and must be lifted by the TC. The commenter also stated that if the DSC were to be separated from the TC under an accident event, there would be no means to lift and handle the canister. The commenter considered the lack of ability to separately handle a loaded canister to be a severe weakness that violates the notion of retrievability under § 72.122(l).

Response: Retrievability, with regard to certificates of compliance for spent fuel storage casks, is addressed in § 72.236(m), which states: ''To the extent practicable in the design of the storage casks, consideration should be given to compatibility with removal of the stored spent fuel from the reactor site, transportation, and ultimate disposition by the Department of Energy.'' This refers to retrieval of the fuel assemblies from the canister. This design meets this requirement. The canister is able to be handled and placed into the transfer cask before loading of assemblies. The canister is then handled as one piece with the transfer cask until it is placed within the storage module. There are no postulated accidents when the canister is inadvertently separated from the transfer cask.

Comment 22: The commenter referred to Section 1.2.24 of the TS which states: ''* * * for the NUHOMS–32PT system, the fuel cladding limits are based on Interim Staff Guidance (ISG)–11, Revision 2.'' The commenter disagreed and quoted from page 2 of ISG–11, Rev. 2: ''Accordingly, the materials reviewer should coordinate with the thermal reviewer to assure that the maximum calculated temperatures for normal conditions of storage, and for short-term operations including cask drying and backfilling, do not exceed 400°C (752°F).''

The commenter noted that in direct violation of the above requirement, the Amendment 5 FSAR states in Section 4.1: ''During short-term conditions, the fuel temperature limit is 570°C.''

The commenter further stated that calculated temperature values in Table M4.2 indicate that the ISG–11, Rev. 2, limit is exceeded by wide margins under short-term normal conditions.

Response: The comment is based on an older version of Amendment 5 to FSAR CoC 1004 (Rev. 0, June 2001). The correct version of the SAR corresponds to the following reference: Transnuclear West, Amendment No. 5 to NUHOMS CoC 1004, Addition of 32PT DSC to Standardized NUHOMS System, Rev. 4, January 2003, which complies with ISG–11, Rev. 2.

Comment 23: The commenter stated that use of durable materials that are proven for their intended function must be a basic plank of dry storage system design, and a mandated fact under § 72.122(a), (b), and (c). One objection raised by the commenter to the materials being proposed for the 32PT DSC was that the shield plugs at the two ends of the DSC are made from one of the cheapest carbon steels available (A–36). The commenter noted that the lower plug (along with air) is permanently sandwiched between the two stainless plates. This plug will expand and contract under heat, as will the entrained air in the space, constantly stressing the welds that confine the plug. Thermal differential expansion between carbon and stainless steel will further increase stresses in those same welds. The commenter asked why the plugs could not be made of machined stainless steel, which would eliminate material incompatibility, remove most entrained air, and remove long-term concerns.

Response: The material used for the shield plug is appropriate based on the following: First, the shield plugs are fabricated from ASTM A–36 steel, a commonly used steel for structural applications. Second, brittle fracture of the carbon steel is not expected because the ductile-to-brittle transition temperature is below the expected operating temperatures. Third, the shield plugs are also plated with electroless nickel in response to NRC Bulletin 96–04 to ensure that a chemical reaction does not occur. This coating is not expected to react with the spent fuel pool water to produce unsafe levels of flammable gas. Fourth, there are small radial clearances provided between the carbon steel bottom shield plug and the stainless steel DSC shell. Fifth, Table M.3.3–1, ASME Code Materials Data for SA–240 Type Stainless Steel, and Table M.3.3–2, Materials Data for ASTM A–36 Steel, show that the thermal coefficient of expansion is of the same order of magnitude between 100 to 800°F. Sixth, the residence time of a plug in water is limited to cask loading operations and then vacuum dried. Therefore, any degradation would be minimal. The NRC staff concludes that these material properties are acceptable and appropriate for the expected load conditions (*e.g.*, hot or cold temperature, wet or dry conditions) during the license period and in accordance with regulatory requirements.

Comment 24: Related to Comment 23, above, another objection raised by the commenter with respect to the materials being proposed for the 32PT DSC was the neutron absorber. The commenter was not able to locate any specificity on the brands of neutron absorbers permitted by the CoC. The commenter stated that neutron absorbers use aluminum, which is a most reactive material, and stated that NRC has been wise in controlling the specific make of neutron absorbers that are permitted to be used and felt that this caution is well placed, considering the 1996 hydrogen ignition event in SNC's product. Referring to a section in the PSER that stated that purging of the canister during lid welding is not required, the commenter disagreed and stated that it is unsafe to make purging elective if aluminum-based neutron absorber coated carbon steels are present in the canister. He referred to the lesson learned from the Columbia Generating Station experience.

The commenter recommended that the CoC specify the acceptable neutron absorbers to ensure compliance with the above-cited regulation and not let a CoC holder make the choice of neutron absorber unilaterally.

Response: Technical Specification Table 1–1h imposes requirements on

neutron absorbers materials for the boron.

The NRC staff is aware of a slight potential for chemical or galvanic reaction between the aluminum and stainless steel in contact with borated water spent fuel pools. This reaction may produce small amounts of hydrogen, during loading and unloading operations. Further, the NRC staff is aware of hydrogen being generated from prepassivated Boral. This reaction may also produce small amounts of hydrogen, during loading and unloading operations. As stated in M.3.4 of the SAR, small amounts of hydrogen could be produced during loading and unloading operations. The applicant's analysis showed that a hydrogen concentration of 2.39 percent can be generated. However, the NRC staff recognizes that this amount of hydrogen is below the ignition limit of 4 percent. However, to address the potential hazards associated with hydrogen gas, the applicant employs mitigation actions contained in the generic procedures of SAR Sections M.8.1.3 and M.3.4. These sections state that if hydrogen gas is detected at concentrations above 2.4 percent in air at anytime before or during welding operations, the hydrogen gas will be removed by purging the suspect regions with an inert gas. The NRC staff concluded during this review that the guidance in the generic procedures is adequate to prevent formation of any hydrogen gas that may be generated during welding operations. Hence, the potential reaction of the aluminum with the spent fuel pool water will be minimized and not impact the efficacy of the poison material.

Neutron absorber materials such as Metamic and BorAlyn have undergone qualification testing. The qualification testing included an evaluation for hydrogen generation. The qualification test program was reviewed and approved by the NRC for these two materials.

Finally, any neutron absorbers used inside of an approved cask design must have been shown through qualification testing to be effective and durable during the license period. The tests and data are usually submitted along with the license application and are subject to review and questioning by the NRC staff. After the absorber material has been approved at a particular level of B–10 credit by the NRC, the SER discusses the technical basis for approval. It should be noted that the licensee may potentially use any neutron absorber material at that approved level of B–10 credit in its cask provided it meets the requirements in § 72.48. Therefore, there is no reason to reference the manufacturer/brand name of the neutron absorber in the CoC.

Comment 25: Referring to paragraph M.4.6.3 of the FSAR for Amendment 5, the commenter concluded that a fire event in the vicinity of the HSM was ruled out. The commenter stated that this inference is also supported by the text matter in the FSAR for the Standardized NUHOMS® System. The commenter believed that the FSAR statements ruling out fire around the HSM are erroneous because the hydraulic fluid in the ram and the fuel in the heavy-haul trailer are credible sources of fire for a previously loaded HSM located in the vicinity of the HSM being loaded.

The commenter stated that the a priori exclusion of fire analysis at the HSM is inconsistent with NRC's previous certification reviews of other ventilation systems and that it is also unsafe.

Response: The fire event associated with the loading operations and storage within the HSM (including fires in the vicinity of the HSM) is bounded by the analyzed transfer cask fire event. The transfer cask fire analysis was based on very conservative assumptions. Other site-specific fires have to be addressed by the system user planning to use the NUHOMS®–32PT storage cask, as part of the § 72.212 evaluations.

Comment 26: The commenter referred to Section M.3.1.2.1 of the FSAR for Amendment 5 which states that the inner bottom cover plate-to-shell joint is subjected to volumetric and liquid penetrant examination as required by Subsection NB of Section III of the ASME Code. The commenter stated that examination of this weld cannot be radiographed or ultrasonically tested by virtue of its geometry.

Response: The examination of the full penetration weld corner joint used on the inner bottom cover plate-to-shell weld is specifically addressed in paragraph NB–5231(c) of the ASME Boiler and Pressure Vessel Code Section III, Subsection NB. The geometry of the weld in question is in accordance with Figure NB–4243–1(f). As stated by TN, the weld geometry of Figure NB–4243–1(f) is able to be successfully examined ultrasonically in conformance with the ASME Code requirements.

Comment 27: The commenter states that Section 4.8 of the SER accepts sudden quenching of irradiated fuel at 678°F in water during reflooding operation. The commenter stated that quenching would cause a sudden cooling of the fuel, and the 117°F temperature limit would undoubtedly be exceeded, a restriction imposed by ISG–11, Rev. 2, presumably to protect semibrittle irradiated fuel from thermal shock. The commenter urged the NRC to reconsider this unnecessary regulatory leniency.

Response: Section 4.8 of the SER states that the maximum cladding temperature reached during vacuum drying after approximately 33 hours is 678°F (358.88°C). This is below the maximum limit of 752°F (400°C) per ISG–11. The maximum temperature difference for the fuel cladding during drying and backfilling operations is 100°F (55.55°C). This meets the thermal cycling criteria specified by ISG–11, which states that the temperature differences greater than 117°F (65°C) should not be permitted. The maximum fuel cladding temperature during cask reflood operations will be significantly less than the vacuum drying condition because of the presence of water and/or steam in the DSC cavity.

Comment 28: Referencing Section 3.7 in the Amendment 5 FSAR, the commenter stated that the consideration of flood in the FSAR is merely to treat it as a source of hydrostatic load. The commenter believed that a low elevation flood that submerges the bottom duct is far more dangerous. He stated that a partially submerged HSM, heated by the DCS through radiation and convection and chilled by the rising floodwaters, will cause severe thermal stresses in its reinforced concrete structure. The commenter further stated that because the HSM's walls are both structural members and biological shield, a thru-thickness crack from large thermal strains induced by a short-duration flash flood will be unacceptable for public health and safety. The commenter stated that there is no consideration of this scenario in the supporting licensing material provided by TNW and added that it calls for a careful analysis.

Response: As stated in the FSAR, Revision 5, Section 8.2.4, recovery from flooding events has been addressed, and the case of completely blocked inlet and outlet vents has been addressed in Section M.4.6.1 of proposed Amendment 5. The blocked vent condition is assumed to be superimposed concurrently with the extreme off-normal ambient thermal condition of 117°F with insolation. Under these conservative design conditions, there is a 40-hour period at minimum, that must elapse before there are thermal conditions arising that would approach design limits. The Technical Specifications in Attachment A of the CoC on page A–57 address the fact that there is daily (every 24 hours) visual surveillance required of the exterior of the vents as well as a close-up inspection performed to see that

there are no vent blockages. If blockage is found, action must be taken to clear the vent(s) within the 40-hour time period because, as shown in Figure 8.2–16, the concrete temperature limit of 350°F will be reached in the concrete roof structure of the HSM.

Additionally, in the situation when only the bottom vent is blocked, the water would begin to evaporate from the heat load. This would provide evaporative cooling to the DSC and the upper volume of the HSM. Such a situation would be bounded by the analysis of blocked circulation vents with ambient temperatures at their extremes (−40°F and 117°F) as noted above. In these situations, the maximum temperature gradients experienced by the HSM are 102°F and 99°F, respectively, as shown in Table 8.1–17 of the FSAR.

Comment 29: The commenter stated he was surprised and disappointed that the CoC uses a product designation name like ''–32PT,'' where the ''T'' stands for transportable; and uses the words, ''* * * and T is to designate that the DSC is intended for transportation in a 10 CFR 71 approved package,'' when this CoC pertains only to storage. The commenter stated that from personal experience, foreign utilities in particular do not always recognize the distinction. The commenter questioned the purpose for using this designation or making this statement.

Response: The use of the term ''transportable'' in the SER, SAR, or CoC is descriptive of the intended function. The use of this terminology in a dry storage cask application or an NRC SER/CoC does not represent a certification under 10 CFR Part 71 for the transport of radioactive materials. This CoC does not authorize transportation under Part 71.

Summary of Final Revisions

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1004 is revised by adding the effective date of Amendment Number 5 and adding Model Number NUHOMS®–32PT.

Good Cause To Dispense With Deferred Effective Date Requirement

The NRC finds that good cause exists to waive the 30-day deferred effective date provisions of the Administrative Procedure Act (5 U.S.C. 553(d)). The primary purpose of the delayed effective date requirement is to give affected persons; *e.g.*, licensees, a reasonable time to prepare to comply with or take other action with respect to the rule. In this case, the rule does not require any action to be taken by licensees. The regulation allows, but does not require, use of the amended TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system for the storage of spent nuclear fuel. The TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system, amended to include the new dry shielded canister designated –32PT, meets the requirements of 10 CFR Part 72 and is ready to be used. A general licensee has made plans to load the NUHOMS®–32PT casks in January 2004 to preserve full core off-load capability at its site. The general licensee is currently in a refueling outage and needs to load fuel into the storage casks once done. The amended TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system, as approved by the NRC, will continue to provide adequate protection of public health and safety and the environment.

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA) or the provisions of the Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is revising the Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally applicable requirements.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule is not a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. This final rule amends the CoC for the TN Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. The amendment modifies the present cask system design to add another dry shielded canister, designated NUHOMS®–32PT DSC, to the authorized contents of the Standardized NUHOMS®–24P, –52B, –61BT, and –24PHB cask system. This canister is designed to accommodate 32 PWR assemblies with or without Burnable Poison Rod assemblies. It is designed for use with the existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1F23, Rockville, MD. Single copies of the environmental assessment and finding of no significant impact are available from Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6219, e-mail *jmm2@nrc.gov.*

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR Part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the

NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On December 22, 1994 (59 FR 65920), the NRC issued an amendment to Part 72 that approved the Standardized NUHOMS®–24P and –52B cask system design by adding it to the list of NRC-approved cask designs in § 72.214. Amendments No. 3 and 6 added the –61BT DSC and the –24PHB DSC, respectively, to the system. On June 29, 2001, the certificate holder, Transnuclear, Inc., submitted an application to the NRC to amend CoC No. 1004 to permit a Part 72 licensee to add another DSC, designated NUHOMS®–32PT DSC, to the authorized contents of the Standardized NUHOMS®–24P, –52B, and –61BT cask system. This canister is designed to accommodate 32 PWR assemblies with or without Burnable Poison Rod Assemblies. It is designed for use with the existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask.

The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general licensee. This alternative would cost both the NRC and the utilities more time and money because each utility would have to submit a request for an exemption, and the NRC would have to review each request.

Approval of this final rule eliminates the problem described and is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. On the basis of this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the final rule are commensurate with the Commission's responsibilities for public health and safety and the common defense and security. No other alternative is believed to be satisfactory. Therefore, this action is recommended.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and Transnuclear, Inc. These entities do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the NRC's size standards (10 CFR 2.810).

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this final rule. Therefore, a backfit analysis is not required for this final rule because this amendment does not impose any provisions that would impose backfits as defined in 10 CFR Chapter I.

Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

■ 2. Section 72.214, Certificate of Compliance 1004 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1004.

Initial Certificate Effective Date: January 23, 1995.

Amendment Number 1 Effective Date: April 27, 2000.

Amendment Number 2 Effective Date: September 5, 2000.

Amendment Number 3 Effective Date: September 12, 2001.

Amendment Number 4 Effective Date: February 12, 2002.

Amendment Number 5 Effective Date: January 7, 2004.

SAR Submitted by: Transnuclear, Inc.

SAR Title: Final Safety Analysis Report for the Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel.

Docket Number: 72–1004.

Certificate Expiration Date: January 23, 2015.

Model Number: Standardized NUHOMS®–24P, NUHOMS®–52B, NUHOMS®–61BT, NUHOMS®–24PHB, and NUHOMS®–32PT.

* * * * *

Dated at Rockville, Maryland, this 19th day of December, 2003.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 04–313 Filed 1–6–04; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–05–AD; Amendment 39–13412; AD 2003–26–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires identification of the valves installed on the engine struts as hydraulic supply (fire) shutoff valves for the engine-driven pump, corrective action if necessary, and eventual replacement of discrepant valves with serviceable parts. This action is necessary to prevent leakage of hydraulic (flammable) fluid into an engine fire, which could result in an uncontrolled fire. This action is intended to address the identified unsafe condition.

DATES: Effective February 11, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 11, 2004.

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: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6468; fax (425) 917–6590.

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 747 series airplanes was published in the **Federal Register** on April 16, 2003 (68 FR 18565). That action proposed to require identification of the valves installed on the engine struts as hydraulic supply (fire) shutoff valves for the engine-driven pump, corrective action if necessary, and eventual replacement of discrepant valves with serviceable parts.

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.

Support for Proposed AD

Two commenters support the proposed AD.

Request To Add Certain Part Numbers (P/N) for Valve Replacement

One commenter requests that the proposed AD be revised to include hydraulic supply (fire) shutoff valves, P/Ns 10–3200–1 and 10–3200–2. The commenter states that these additional valves are not manufactured by Circle Seal and should be acceptable replacements. This would provide operators with more options when replacing a discrepant Circle Seal valve.

The FAA agrees. Boeing maintenance drawings permit installation of valve P/Ns 10–3200–1 and 10–3200–2, and Boeing has agreed that those parts are acceptable for replacement of the discrepant Circle Seal valves. In addition, we have determined that those valves do not have the identified unsafe condition. Therefore, we have revised paragraphs (b)(1)(ii) and (b)(3) of this final rule to include valves, P/Ns 10–3200–1 and 10–3200–2, as acceptable replacements for the discrepant Circle Seal valves. Operators should note that Boeing did not include those valves in Boeing Alert Service Bulletin 747–29A2102, dated June 29, 2000 (which was referenced in the proposed AD as the appropriate source of service information for the inspection and corrective actions), because they are easily damaged by improper engine shut down procedures. Such damage necessitates unscheduled replacement of the valves with serviceable valves of the same design or modified valves having design features, which help prevent such damage. These design features were incorporated in valve P/Ns 10–3200–3 and 10–3200–5 (specified in the service bulletin and proposed AD as the appropriate P/N for the replacement valve).

Request To Allow Repetitive Valve Tests Instead of Terminating Replacement

The same commenter requests that the proposed AD be revised to allow operators to continue performing the hydraulic supply (fire) shutoff valve test after four years from valve identification date. The commenter asserts that operational valve replacement should not have a mandatory replacement timetable of four years, and that the option to replace or continue repetitive testing should be left up to the operator to decide.

We do not agree. The Circle Seal valves having P/N S270T010–3 have a known design defect. The failure mode in these valves is not a function of time or number of flight cycles. We can better ensure long-term continued operational safety by modifications or design changes to remove the source of the problem, rather than by repetitive inspections/testing. Long-term inspections/testing may not provide the degree of safety necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led us to consider placing less emphasis on special procedures and more emphasis on design improvements. No change to the final rule is necessary in this regard.

Request To Revise Paragraph (b)(1)(ii) of Proposed AD

Another commenter, the airplane manufacturer, requests that we revise paragraph (b)(1)(ii) of the proposed AD. The commenter states that paragraph (b)(1)(ii) of the proposed AD does not allow replacement of an inoperative valve with a valve, P/N S270T010–3, because that paragraph only refers to paragraph 3.I. of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–29A2102. However, paragraph (c) of the proposed AD specifies that a valve, P/N S270T010–3, may be installed if requirements of the AD are accomplished.

We agree. It was our intention to allow a valve, P/N S270T010–3, to be installed if a P/N 10–3200–3 or 10–3200–5 is not available and to allow the valve to remain installed (until replacement per paragraph (b)(3) of the AD) as long as it continues to pass the repetitive hydraulic supply (fire) shutoff valve test, per paragraph 3.J. of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–29A2102. Therefore, we have revised paragraph (b)(1)(ii) of this final rule to allow operators to install a valve, P/N S270T010–3, as a replacement as long as the repeated testing is performed per paragraph 3.J. of the service bulletin in accordance with paragraph (b)(2) of this final rule.

Request To Revise Preamble and Paragraph (e) of Proposed AD

The same commenter requests that we make the following changes to the preamble and paragraph (e) of the proposed AD:

• In the ''Discussion'' section in the preamble of the proposed AD, identify the model for which the reports indicating malfunctioning valves were received and on which the failure mode was discovered during production testing as Boeing Model 737, 757, and 767 series airplanes, not Model 747 series airplanes. The commenter explains that no reports were received on Model 747 airplanes.

• In paragraph (e) of the proposed AD, omit the duplicate reference to the ''sections.''

We partially agree with the commenter's requests:

• We agree that the models for which the original malfunctioning valve reports on which the failure mode was discovered were Model 737, 757, and 767 series airplanes—not Model 747 series airplanes. However, the ''Discussion'' section is not restated in this final rule, and, therefore, no change to the final rule is necessary in this regard.

• We do not agree that the second reference to the ''sections'' in paragraph (e) of the proposed AD has been duplicated. The parenthetical reference to sections 21.197 and 21.199 of the Federal Aviation Regulations provides the full Code of Federal Regulations citation for those sections, which is the legal citation. No change to the final rule is necessary in this regard.

Explanation of Change Made to the Cost Impact Section of the Final Rule

Because the cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD, we have revised the Cost Impact section of this final rule to specify an estimate of four work hours for the valve replacement instead of the estimated six work hours specified in the proposed rule for that action. The six work hours specified in the proposed rule included incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Those costs are not typically included in AD rulemaking actions.

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 with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

Change to Labor Rate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 681 airplanes of the affected design in the worldwide fleet. The FAA estimates that 130 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to identify the valve, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $8,450, or $65 per airplane.

The cost impact figure discussed above is 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Replacing a valve, if required, will take approximately 4 work hours, at an average labor rate of $65 per work hour. Required parts and hydraulic fluid will cost approximately $4,438 per valve. Based on these figures, the cost impact of replacing a valve is estimated to be $4,698.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

2003–26–13 Boeing: Amendment 39–13412. Docket 2003–NM–05–AD.

Applicability: Model 747 series airplanes, certificated in any category, as listed in Boeing Alert Service Bulletin 747–29A2102, dated June 29, 2000.

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 (d) 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 leakage of hydraulic (flammable) fluid into an engine fire, which could result in an uncontrolled fire, accomplish the following:

Part Identification

(a) Within 6 months after the effective date of this AD, check maintenance records or perform a general visual inspection of each engine strut to determine whether any discrepant valve is installed as a hydraulic supply (fire) shutoff valve for the engine-driven pump. A discrepant valve is a Circle Seal valve part number (P/N) S270T010–3 or a valve that cannot be readily identified. Identify the part in accordance with Boeing Alert Service Bulletin 747–29A2102, dated June 29, 2000. If no discrepant valve is installed, no further work is required by this paragraph.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Corrective Actions for Discrepant Valves

(b) For any discrepant valve found during the part identification required by paragraph (a) of this AD:

(1) Within 6 months after the effective date of this AD, do a hydraulic supply (fire) shutoff valve test, in accordance with paragraph 3.J. of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–29A2102, dated June 29, 2000.

(i) If the valve passes the test, repeat the test in accordance with paragraph (b)(2) of this AD.

(ii) If the valve does not pass the test: Before further flight, replace the valve with a serviceable valve, P/N S270T010–3, 10–3200–1, 10–3200–2, or a valve identified in paragraph 3.I. of the Accomplishment Instructions of the service bulletin; and do a hydraulic supply (fire) shutoff valve test; in accordance with the Accomplishment Instructions of the service bulletin. Replacement with a serviceable valve, P/N 10–3200–1, 10–3200–2, or a valve identified in paragraph 3.I. of the Accomplishment Instructions of the service bulletin, terminates the repetitive tests required by paragraph (b)(2) of this AD for that valve. If a P/N S270T010–3 valve is installed as a replacement, repeated testing must be performed per paragraph 3.J. of the Accomplishment Instructions of the service bulletin in accordance with paragraph (b)(2) of this AD.

(2) Repeat the test specified in paragraph (b)(1) of this AD on each discrepant valve at intervals not to exceed 6 months, until the actions specified by paragraph (b)(3) of this AD have been accomplished.

(3) Within 4 years after identifying the valve as required by paragraph (a) of this AD: Replace each discrepant valve with a serviceable valve, P/N 10–3200–1, 10–3200–2, or a valve identified in paragraph 3.I. of the Accomplishment Instructions of the service bulletin, and do a hydraulic supply (fire) shutoff valve test, in accordance with the Accomplishment Instructions of the service bulletin. Replacement with a serviceable valve, P/N 10–3200–1, 10–3200–2, or a valve identified in paragraph 3.I. of the Accomplishment Instructions of the service bulletin terminates the repetitive tests required by paragraph (b)(2) of this AD for that valve.

Part Installation

(c) As of the effective date of this AD, no person may install a Circle Seal valve P/N S270T010–3 on any airplane unless the requirements of this AD are accomplished for that valve.

Alternative Methods of Compliance

(d) 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. 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

(e) Special flight permits may be issued in accordance with §§ 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

(f) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747–29A2102, dated June 29, 2000. 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.

Effective Date

(g) This amendment becomes effective on February 11, 2004.

Issued in Renton, Washington, on December 23, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–32 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–374–AD; Amendment 39–13411; AD 2003–26–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, 737–700, 737–800, 757–200, and 757–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–600, 737–700, 737–800, 757–200, and 757–300 series airplanes, that requires replacing existing video distribution unit (VDU) connectors with new, improved connectors or new wire assemblies (jumpers), and performing related actions, as applicable. This action is necessary to prevent a short circuit in a VDU connector and consequent arcing and damage to wiring within the connector, which could result in damage to adjacent systems or structure and possible smoke or fire in the airplane cabin. This action is intended to address the identified unsafe condition.

DATES: Effective February 11, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 11, 2004.

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: Binh V. Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton,

Washington 98055–4056; telephone (425) 917–6485; fax (425) 917–6590.

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 737–600, 737–700, 737–800, 757–200, and 757–300 series airplanes was published in the **Federal Register** on December 10, 2002 (67 FR 75824). That action proposed to require replacing existing video distribution unit (VDU) connectors with new, improved connectors or new wire assemblies (jumpers), and performing related actions, as applicable.

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. Two commenters state that they are not affected by the proposed AD.

Request To Remove Parts Installation Requirement

One commenter requests that the ''Parts Installation'' paragraph be removed from the proposed AD. The commenter states that it installed the VDU connectors with the subject connectors on its Model 737–800 series airplanes after delivery. Upon issuance of the proposed AD, the commenter contacted Matsushita, which stated that the problem is not caused by the connector, and that the information supplied by the airplane manufacturer is misleading and erroneous. Matsushita gave the commenter the following reasons for the cause of the unsafe condition addressed by the proposed AD: (1) A 90 degree angled backshell installed by the airplane manufacturer; (2) a 90 degree angled co-ax contact installed by the airplane manufacturer; and (3) lack of drip loop on the airplane manufacturer's installations. The commenter asserts that it has not experienced any problems identified in the proposed AD on any of its 36 Model 737–800 airplanes with the subject VDU connectors installed since December 1999.

The FAA does not agree to remove the ''Parts Installation'' paragraph. A failure analysis report, which we obtained from an independent lab, showed the failure of the connector, part number (P/N) CAMA11W1P, was caused by moisture entering the connector and causing the electrical short circuit between cavities 1 (115VAC) and 2 (ground). Moisture was able to penetrate the connector because the connector has no wire or facial seal. The two dielectric halves of the connector not being bonded together precipitated the failure, allowing moisture to be trapped between cavities 1 and 2. Therefore, we find moisture ingress to be the primary failure mode of the connector; however, we agree that the installation of 90 degree angled backshell and co-ax contact are contributing factors to that failure. We have determined that the connector should not be installed on any model airplane listed in the applicability of this AD. No change to this final rule is necessary in this regard.

Request To Clarify Parts Installation Requirement

One commenter, the manufacturer of the connector, requests that the ''Parts Installation'' paragraph of the proposed AD be revised to read, ''As of the effective date of this AD, no person shall install a VDU connector, part number CAMA11W1P, together with a 90 degree backshell or co-ax contact, on Model 737 or 757 series airplanes.'' The commenter asserts that this change will clarify that the intent of the proposed AD is not against the use of connector P/N CAMA11W1P on the VDU, but against the use of that connector in a particular application/configuration.

The commenter references certain statements in the ''Explanation of Requirements of Proposed Rule'' and ''Differences Between Service Bulletin and Proposed AD'' paragraphs of the proposed AD, and states that it is in 100 percent agreement with those key statements/goals. However, the commenter asserts that, as written, the proposed AD is not specific enough to accurately address the unsafe condition as defined. And, if issued as written, the proposed AD will inappropriately impact supplemental type certificates (STC), which have type designs that are in complete compliance with the most current regulations, guidance materials, and intent—while providing no increase to operational safety. The reason the commenter supplies for these assertions is the airplane manufacturer's installation design/practices, because the type design data do not properly account for installation details. Without such details, like strain relief or drip loops, the commenter asserts the problem is worsened by the airplane manufacturer's use of a 90 degree co-ax contact on the connector (and in some cases the connector is oriented vertically), effectively channeling condensate directly into the connector. The commenter asserts that its STCs properly account for these detail requirements, to assure (by design) a repeatable installation for operational safety.

The commenter also points out that, on February 29, 2000, that the Civil Airworthiness Authority (CAA) for the United Kingdom, issued emergency airworthiness directive 005–02–2000 for the same connector and for identical reasons as listed in the proposed AD. After a detailed review with the airplane manufacturer and in coordination with the connector and VDU manufacturers, the CAA issued Revision 1 to its emergency AD on March 8, 2000, to specifically apply to ''* * * connectors P/N CAMA11W1P with a 90 degree co-ax contact * * * .''

We do not agree to revise the ''Parts Installation'' paragraph. As previously stated, although the unsafe condition may be worsened when the connector is used in certain installation designs, we find the design of the connector itself to be the primary cause of the unsafe condition described in the AD. Therefore, it is our intent that the connector, P/N CAMA11W1P, should not be installed on any affected model airplane. No change to this final rule is necessary in this regard.

Request To Revise Parts Installation Compliance Time

One commenter requests that the compliance time specified in the ''Parts Installation'' paragraph of the proposed AD be extended to give vendors additional time to develop a replacement plan for the connector. The commenter states that its Model 737 and 757 fleet is not equipped with video systems with the specified VDU connectors, and thus has no objection to the action required by paragraph (e) of the proposed AD. However, the commenter objects to using the effective date of the AD as the deadline for installing the connectors on any airplane type. The commenter gives no justification for the request or objection.

We do not agree. Once we have determined that an unsafe condition exists, our normal policy is not to allow that condition to be introduced into the fleet. In developing the technical information on which every AD is based, we consider the availability of spare parts that the AD will require to be installed. When we have determined that those (safe) parts are immediately available to operators, our policy prohibits installation of the unsafe parts after the effective date of the AD. We have confirmed that the manufacturer has developed and manufactured a replacement part that is available to operators for installation.

Additionally, the applicability of this AD affects only Model 737 and 757 series airplanes listed in the service bulletins referenced in the applicability

of the AD. The ''Parts Installation'' paragraph does not apply to airplanes beyond those listed in the applicability of the AD. No change to the final rule is necessary in this regard.

Request To Add Language

One commenter states that it has one airplane that has had the in-flight entertainment system removed, so it is not subject to the proposed AD. However, the commenter requests that the FAA revise the proposed AD to include language to address this situation.

We do not agree. The language in Note 1 of the proposed AD already contains language pertaining to ''airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected. * * *'' As stated in that note, the commenter may request approval of an alternative method of compliance in accordance with paragraph (d) of this final rule. No change to this final rule is necessary in this regard.

Explanation of Change Made to Final Rule

We have changed the service bulletin citations throughout this final rule to include references to Appendices A and B. That information was inadvertently omitted from the service bulletin citations listed in the proposed AD.

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 with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

Increase in Labor Rate

After the proposed rule was issued, we reviewed the figures we use to calculate the labor rate to do the required actions. To account for various inflationary costs in the airline industry, we find it appropriate to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Cost Impact

There are approximately 280 airplanes of the affected design in the worldwide fleet. The FAA estimates that 28 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 work hours per airplane to accomplish the required connector replacement, and that the average labor rate is $65 per work hour. Required parts will cost between $334 and $13,944 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between $1,374 and $14,984 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The manufacturer may cover the cost of replacement parts associated with this AD, subject to warranty conditions. Manufacturer warranty remedies may also be available for labor costs associated with this AD. As a result, the costs attributable to the AD may be less than stated above.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

2003–26–12 Boeing: Amendment 39–13411. Docket 2001–NM–374–AD.

Applicability: Model 737–600, –700, and –800 series airplanes, as listed in Boeing Service Bulletin 737–23A1169, Revision 2, including Appendices A and B, dated June 21, 2001; Model 757–200 series airplanes, as listed in Boeing Alert Service Bulletin 757–23A0060, Revision 1, including Appendices A and B, dated January 11, 2001; and Model 757–300 series airplanes, as listed in Boeing Alert Service Bulletin 757–23A0061, Revision 1, including Appendices A and B, dated January 11, 2001; 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 (d) 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 a short circuit in a video distribution unit (VDU) connector and consequent arcing and damage to wiring within the connector, which could result in

damage to adjacent systems or structure and possible smoke or fire in the airplane cabin, accomplish the following:

Model 737–600, –700, and –800 Series Airplanes: Inspections and Follow-On Actions

(a) For Model 737–600, –700, and –800 series airplanes: Within 18 months after the effective date of this AD, replace existing VDU connectors with new, improved connectors, and install a drip loop in the wiring at the new VDU connectors, per Part 2 of the Accomplishment Instructions of Boeing Service Bulletin 737–23A1169, Revision 2, including Appendices A and B, dated June 21, 2001.

Model 757–200 and –300 Series Airplanes: Inspections and Follow-on Actions

(b) For Model 757–200 and –300 series airplanes: Within 18 months after the effective date of this AD, replace existing VDU connectors with new, improved connectors, or with new wire assemblies (jumpers), as applicable, per Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–23A0060, Revision 1, including Appendices A and B, dated January 11, 2001 (for Model 757–200 series airplanes); or Boeing Alert Service Bulletin 757–23A0061, Revision 1, including Appendices A and B, dated January 11, 2001 (for Model 757–300 series airplanes); as applicable.

Part Installation

(c) As of the effective date of this AD, no person shall install a VDU connector, part number CAMA11W1P, on any airplane.

Alternative Methods of Compliance

(d) 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. 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

(e) Special flight permits may be issued in accordance with §§ 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

(f) The actions shall be done in accordance with Boeing Service Bulletin 737–23A1169, Revision 2, including Appendices A and B, dated June 21, 2001; Boeing Alert Service Bulletin 757–23A0060, Revision 1, including Appendices A and B, dated January 11, 2001; or Boeing Alert Service Bulletin 757–23A0061, Revision 1, including Appendices A and B, dated January 11, 2001; as applicable. 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.

Effective Date

(g) This amendment becomes effective on February 11, 2004.

Issued in Renton, Washington, on December 23, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–33 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–CE–19–AD; Amendment 39–13413; AD 2003–26–14]

RIN 2120–AA64

Airworthiness Directives; Kidde Aerospace Part Number (P/N) 898052 Hand-Held Halon Fire Extinguishers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for certain Kidde Aerospace P/N 898052 hand-held halon fire extinguishers that are utilized on aircraft. This AD requires you to remove the affected fire extinguishers from service and would prevent you from using them in the future. This AD is the result of information that shows that the discharge time of the affected fire extinguishers exceeds the maximum allowable discharge time. The problem is due to incomplete crimping of the siphon tube. We are issuing this AD to remove from service fire extinguishers that had this incomplete crimping of the siphon tube. If not removed from service, these fire extinguishers could function at diminished levels and compromise the level of safety in an emergency situation.

DATES: This AD becomes effective on February 20, 2004.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of February 20, 2004.

ADDRESSES: You may get the service information identified in this AD from Kidde Aerospace, Kidde Technologies, Inc., 4200 Airport Drive, NW., Wilson, North Carolina 27896; telephone: (252) 237–7004.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–CE–19–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Charles H. Bowser, Flight Test Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6047; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The FAA has received information of problems with certain Kidde Aerospace P/N 898052 hand-held halon fire extinguishers that are utilized on aircraft. This information shows that the discharge time of the affected fire extinguishers exceeds the maximum allowable discharge time.

The problem is due to incomplete crimping of the siphon tube. Specifically, worn crimping tools were used to crimp the siphon tube. This is causing leakage between the siphon tube and the valve.

What Is the Potential Impact if FAA Took No Action?

If these fire extinguishers that had this incomplete crimping of the siphon tube are not removed from service, then the fire extinguishers could function at diminished levels and compromise the level of safety in an emergency situation.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply certain Kidde Aerospace P/N 898052 hand-held halon fire extinguishers that are utilized on aircraft. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 13, 2003 (68 FR 25543). The NPRM proposed to require you to remove the affected fire extinguishers from service and would prevent you from using any affected fire extinguisher in the future.

Comments

Was the Public Invited To Comment?

We provided the public the opportunity to participate in the

development of this AD. The following presents the comments received on the proposal and FAA's response to each comment:

Comment Issue No. 1: Extend the Compliance Time

What Is the Commenter's Concern?

Several commenters recommend extending the compliance time from 6 months to 12 months, while one commenter recommends an extension to 18 months. The commenters state that the extension is necessary due to the large number of affected extinguishers and the logistics involved with AD compliance.

What Is FAA's Response to the Concern?

The FAA agrees that 12 months would be a more realistic compliance time.

We are changing the final rule AD action accordingly.

Comment Issue No. 2: Clarify the Fire Extinguisher Applicability

What Is the Commenter's Concern?

Several commenters state that the current wording for the fire extinguisher applicability of ''manufactured from 1995 through 2002 and have a serial number of W–389653 or lower'' is confusing. The commenters recommend the following language to more fully depict the intended applicability:

Fire extinguishers affected by this AD are serial numbers V–432001 through W–389653 inclusive that were manufactured sometime from 1995—2002. Serial numbers are identified by the Underwriter's Laboratories (UL) number printed on the label and are listed in succession. Other variants of the UL number with prefixes other than ''V'' or ''W'' are not affected by this AD.

What Is FAA's Response to the Concern?

The FAA concurs that the recommended language more accurately reflects the fire extinguisher serial number range.

We are changing the final rule AD action accordingly.

Comment Issue No. 3: Add a Dash Number to the Existing Part Number

What Is the Commenter's Concern?

One commenter recommends adding a dash number to the existing fire extinguisher part number. The commenter states that this would allow you to distinguish between pre- and post-bulletin modifications.

What Is FAA's Response to the Concern?

The FAA does not believe that this is necessary since the replacement fire extinguishers will have their own separate and unique serial numbers.

We are not making any changes to the final rule AD action.

Comment Issue No. 4: Cost Estimate Too High

What Is the Commenter's Concern?

One commenter states that FAA's estimate of 2 workhours to locate, access, pack, ship, receive the new unit, store, and reinstall the new unit is too high. The commenter states that 1 workhour is a conservative estimate.

What Is FAA's Response to the Concern?

The FAA agrees that 1 workhour more adequately reflects the time necessary to do the work.

We are changing the final rule AD action accordingly.

Comment Issue No. 5: Revise Fire Extinguisher Return Procedures

What Is the Commenter's Concern?

One commenter recommends that the AD should more clearly reference the procedures in the service information for returning any fire extinguishers. Specifically, the commenter states that you should not discharge the fire extinguishers, and you should not ship them back to Kidde because a special collection point is already established. This information is outlined in the service information.

What Is FAA's Response to the Concern?

The FAA agrees that the return procedures should reference that in the service information.

We are changing the final rule AD action accordingly.

Conclusion

What Is FAA's Final Determination on This Issue?

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for the changes discussed above and minor editorial corrections. We have determined that these changes and minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

How Does the Revision to 14 CFR Part 39 Affect This AD?

On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How Many Airplanes Does This AD Impact?

We estimate that this AD affects 38,695 airplanes in the U.S. registry.

What Is the Cost Impact of This AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to remove the affected fire extinguishers from service (including replacing with another unit):

Labor cost	Parts cost	Total cost per airplane
1 workhour X $60 per hour = $60	No cost for parts	$60 per airplane.

Compliance Time of This AD

What Will Be the Compliance Time of This AD?

The compliance time of this AD will be ''within the next 12 months after February 20, 2004 (the effective date of this AD).''

Why Is This Compliance Time Presented in Calendar Time Instead of Hours Time-in-Service (TIS)?

Although the slow discharge of the fire extinguishers is only a problem during flight, the unsafe condition is not

a result of aircraft operation. Therefore, FAA has determined that a compliance based on calendar time should be utilized in this AD in order to ensure that the unsafe condition is addressed on all aircraft in a reasonable time period.

Regulatory Findings

Will This AD Impact Various Entities?

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Will This AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''AD Docket No. 2003–CE–19–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under 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. FAA amends § 39.13 by adding a new AD to read as follows:

2003–26–14 Kidde Aerospace: Amendment 39–13413; Docket No. 2003–CE–19–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on February 20, 2004.

What Other ADs Are Affected by This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects aircraft that are certificated in any category and incorporate hand-held halon fire extinguishers with the following:

(1) Part number (P/N) 898052; and

(2) A serial number in the range of V–432001 through W–389653 inclusive that were manufactured sometime from 1995–2002.

(i) Serial numbers are identified by the Underwriter's Laboratories (UL) number printed on the label and are listed in succession.

(ii) Other variants of the UL number with prefixes other than ''V'' or ''W'' are not affected by this AD.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of information that shows that the discharge time of the affected fire extinguishers exceeds the maximum allowable discharge time. The problem is due to incomplete crimping of the siphon tube. We are issuing this AD to remove from service fire extinguishers that have this incomplete crimping of the siphon tube. If not removed from service, these fire extinguishers could function at diminished levels and compromise the level of safety in an emergency situation.

What Must I Do To Address This Problem?

(e) To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Remove from service any P/N 898052 hand-held halon fire extinguisher that has a serial number of V–432001 through W–389653 inclusive and was manufactured sometime from 1995–2002. You may not operate any aircraft without the applicable fire extinguishing equipment per FAA regulation. (i) Serial numbers are identified by the Underwriter's Laboratories (UL) number printed on the label and are listed in succession. (ii) Other variants of the UL number with prefixes other than ''V'' or ''W'' are not affected by this AD.	Within the next 12 months after February 20, 2004 (the effective date of this AD).	Kidde Aerospace Service Bulletin 898052–26–449, dated October 7, 2002, specifies procedures for identifying the affected fire extinguishers. Use the procedures in this service bulletin for the returned fire extinguishers. Specifically, do not discharge them or ship them to Kidde Aerospace since a special collection point has already been established. Ensure that you follow all Department of Transportation (DOT) regulations (49 CFR) in the transport of fire extinguishing equipment. The regulations identify fire extinguishers containing compressed or liquefied gas as hazardous.
(2) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may remove the fire extinguisher specified in paragraph (e)(1) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).	Within the next 12 months after February 20, 2004 (the effective date of this AD).	Not Applicable.
(3) Do not install, on any aircraft, a Kidde Aerospace P/N 898052 handheld halon fire extinguisher V–432001 through W–389653 inclusive that was manufactured sometime from 1995–2002.	As of February 20, 2004 (the effective date of this AD).	Not Applicable.

What About Alternative Methods of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.13. Send your request to the Manager, Atlanta Aircraft Certification Office, FAA. For information on any already approved alternative methods of compliance, contact Charles H. Bowser, Flight Test Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6047; facsimile: (770) 703–6097.

Is There Material Incorporated by Reference?

(g) You must do the actions required by this AD per Kidde Aerospace Service Bulletin 898052–26–449, dated October 7, 2002. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from Kidde Aerospace, Kidde Technologies, Inc., 4200 Airport Drive, NW, Wilson, North Carolina 27896; telephone: (252) 237–7004. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Issued in Kansas City, Missouri, December 23, 2003.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–44 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–248–AD; Amendment 39–13408; AD 2003–26–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4–600, B4–600R, C4–605R Variant F, and F4–600R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to the Airbus airplanes listed above. This action requires a one-time inspection for cracking of the lower outboard flange of gantry No. 4 in the main landing gear bay area, and repair if necessary. This action is necessary to find and fix such cracking, which could result in reduced structural integrity of the fuselage, and consequent rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective January 22, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 22, 2004.

Comments for inclusion in the Rules Docket must be received on or before February 6, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–248–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via the Internet must contain ''Docket No. 2003–NM–248–AD'' in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in this AD may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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: Tony Jopling, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2190; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Gĕnĕrale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Model A300 B2 and B4 series airplanes, and A300–600 series airplanes. The DGAC advises that cracks have been found on the lower outboard flange of gantry No. 4 in the main landing gear bay area on several Model A300–600 airplanes. During a maintenance inspection on one airplane, a 670-mm crack was found on the left side of gantry beam No. 4 between frame (FR) 52 and FR 53. The crack extended along the outboard flange of the beam. A 710-mm crack between FR 52 and FR 54 was found during an inspection done on another airplane after detection of an air leak. Subsequent to detection of the cracks, an emergency inspection was done by the manufacturer in a part of the structure between FR 52 and FR 53 that was not previously inspected, which revealed a 227-mm crack. Such cracking, if not found and fixed, could result in reduced structural integrity of the fuselage, and consequent rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

The subject area on certain Model A300 B2 and B4 series airplanes is almost identical to that on affected Model A300–600 series airplanes. Therefore, those airplanes may be subject to the same unsafe condition revealed on the Model A300–600 series airplanes.

Explanation of Relevant Service Information

Airbus has issued All Operators Telex (AOT) A300–53A0371, Revision 01 (for Model A300 B2 and B4 series airplanes); and AOT A300–53A6145, Revision 01 (for Model A300–600 series airplanes); both dated September 10, 2003. The AOTs describe procedures for a detailed visual inspection of the left and right sides of the lower outboard flange of gantry No. 4 in the MLG bay area between FR 51 and FR 54. The AOTs recommend contacting Airbus if any cracks are found, in addition to specifying that flight with certain cracks is allowed and temporary repairs are available in case of large crack findings. The AOTs also recommend reporting inspection results to Airbus. The DGAC classified these AOTs as mandatory and issued French airworthiness directive 2003–356(B), dated September 17, 2003, to ensure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept us informed of the situation described above. We have examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are

certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to find and fix cracking of the lower outboard flange of gantry No. 4, which could result in reduced structural integrity of the fuselage, and consequent rapid decompression of the airplane. This AD requires a one-time inspection for cracking of the lower outboard flange of gantry No. 4 in the main landing gear bay area, and repair if necessary. The actions are required to be accomplished in accordance with the AOTs described previously, except as discussed below. This AD also includes a reporting requirement.

Differences Among This AD, AOTs, and French Airworthiness Directive

Unlike the procedures described in the AOTs, this AD will not permit further flight if cracks are detected in the lower outboard flange of gantry No. 4. We have determined that, because of the safety implications and consequences associated with such cracking, any cracked flange must be repaired or modified before further flight.

The French airworthiness directive and the AOTs recommend accomplishing the inspection before the accumulation of 8,000 flights ''since new'' or within 14 days after the effective date of the French airworthiness directive. However, this AD requires accomplishment of the inspection before the accumulation of 8,000 total flight cycles since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever is first; with a grace period of 30 days after the effective date of this AD. This decision is based on our determination that ''since new'' may be interpreted differently by different operators. We find that our proposed terminology is generally understood within the industry and records will always exist that establish these dates with certainty. In addition, we have determined that a 30 day grace period will ensure an acceptable level of safety and is an appropriate interval of time wherein the inspection can be accomplished during scheduled maintenance intervals for the majority of affected operators.

Although the AOTs specify that operators may contact the manufacturer for disposition of certain repair conditions, this AD requires operators to repair those conditions per a method approved by either us or the DGAC (or its delegated agent). In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this AD, a repair approved by either us or the DGAC will be acceptable for compliance with this AD.

Interim Action

This AD is considered to be interim action. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the cracking, and eventually to develop final action to address the unsafe condition. Once final action has been identified, we may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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.

Comments 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 2003–NM–248–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

2003–26–10 Airbus: Amendment 39–13408. Docket 2003–NM–248–AD.

Applicability: Model A300 B2 and B4 series airplanes; and A300 B4–600, B4–600R, C4–605R Variant F, and F4–600R (collectively called A300–600) series airplanes; on which Airbus Modification 10147 has not been done; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To find and fix cracking of the lower outboard flange of gantry No. 4, which could result in reduced structural integrity of the fuselage, and consequent rapid decompression of the airplane, accomplish the following:

One-Time Inspection

(a) At the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD: Do a one-time detailed inspection for cracking of the lower outboard flange of gantry No. 4 in the main landing gear bay area per paragraph 4.2.1 of Airbus All Operators Telex (AOT) A300–53A0371, Revision 01 (for Model A300 B2 and B4 series airplanes); or AOT A300–53A6145, Revision 01 (for Model A300–600 series airplanes); both dated September 10, 2003; as applicable.

(1) Before the accumulation of 8,000 total flight cycles since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever is first.

(2) Within 30 days after the effective date of this AD.

Note 1: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Repair

(b) Repair any cracking found during the inspection required by paragraph (a) of this AD before further flight, per a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

Reporting

(c) Submit a report of the findings (both positive and negative) of the inspection required by paragraph (a) of this AD to Airbus Customer Services, SEA21, Attention: Mr. Davide Cavazzini, fax number +33+ (0) 5.61.93.36.14, at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD. The report must include the inspection results, a description of any cracking found, the airplane serial number, and the number of flight cycles on the airplane. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements contained in this AD and has assigned OMB Control Number 2120–0056.

(1) If the inspection was done after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(e) Unless otherwise provided in this AD, the actions shall be done in accordance with Airbus All Operators Telex A300–53A0371, Revision 01, dated September 10, 2003; or Airbus All Operators Telex A300–53A6145, Revision 01, dated September 10, 2003; as applicable. 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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.

Note 2: The subject of this AD is addressed in French airworthiness directive 2003–356(B), dated September 17, 2003.

Effective Date

(f) This amendment becomes effective on January 22, 2004.

Issued in Renton, Washington, on December 23, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–46 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–144–AD; Amendment 39–13421; AD 2004–01–07]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. This AD requires one-time inspections of the inner webs and flanges at frames 15, 18, 41, and 43 for evidence of corrosion or cracking; and corrective actions if necessary. This action is necessary to detect and correct corrosion and cracking of the inner webs and flanges at frames 15, 18, 41, and 43, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective February 11, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 11, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: 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 BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series

airplanes was published in the **Federal Register** on November 13, 2003 (68 FR 64288). That action proposed to require one-time inspections of the inner webs and flanges at frames 15, 18, 41, and 43 for evidence of corrosion or cracking, and corrective actions if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

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

Cost Impact

The FAA estimates that 55 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per airplane to accomplish the required inspections, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $35,750, or $650 per airplane.

The cost impact figure discussed above is 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

2004–01–07 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Amendment 39–13421. Docket 2002–NM–144–AD.

Applicability: Model BAe 146 and Avro 146–RJ series airplanes, certificated in any category; except those airplanes on which either BAe Modification HCM30514A or HCM30514C, and either HCM30514B or HCM30514D, have been accomplished.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct corrosion and cracking of the inner webs and flanges at frames 15, 18, 41, and 43, which could result in reduced structural integrity of the airplane, accomplish the following:

Inspection

(a) Except as provided by paragraph (c) of this AD: Do a detailed inspection of frames 15, 18, 41, and 43 (including any applicable repair) by accomplishing all actions specified in the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–165, dated December 11, 2001. Do the inspection at the applicable time specified in paragraph (b) of this AD.

Note 1: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Compliance Times

(b) Do the inspection required by paragraph (a) of this AD at the applicable time specified in paragraph D., ''Compliance,'' of the service bulletin, except where the service bulletin specifies ''time period from first flight'' or ''years of age,'' this AD establishes the thresholds in terms of years after the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever is earlier. Where the service bulletin specifies compliance times relative to the date of the service bulletin, this AD requires compliance times relative to the effective date of this AD.

Corrective Actions

(c) If any discrepancy is found during any inspection required by paragraph (a) of this AD, before further flight, accomplish the applicable repair in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–165, dated December 11, 2001. If the service bulletin specifies to contact the manufacturer for appropriate action, before further flight, repair per a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent).

Submission of Inspection Results Not Required

(d) Although the service bulletin referenced in this AD specifies to submit information to the manufacturer, this AD does not include such a requirement.

Alternative Methods of Compliance

(e) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(f) Unless otherwise specified in this AD, the actions shall be done in accordance with BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–165, dated December 11, 2001. 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 British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. 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.

Note 2: The subject of this AD is addressed in British airworthiness directive 004–12–2001.

Effective Date

(g) This amendment becomes effective on February 11, 2004.

Issued in Renton, Washington, on December 29, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–128 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–SW–21–AD; Amendment 39–13424; AD 2004–01–10]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland Model MBB–BK–117 A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Eurocopter Deutschland (Eurocopter) Model MBB–BK–117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters with a certain tail rotor (TR) transmission or intermediate (INT) gearbox installed. This action requires inspecting the magnetic plug of the TR transmission and INT gearbox for metal particles before the first flight of each day. Replacing an unairworthy TR transmission, INT gearbox, or bearings with airworthy parts is also required within 30 days after the effective date of this AD. This amendment is prompted by a report of production-related cracks on the cage of bearings installed in certain TR transmissions and INT gearboxes. This condition, if not corrected, could result in cracking and separation of the bearing cage, failure of a bearing, failure of the TR transmission or INT gearbox, and subsequent loss of control of the helicopter.

DATES: Effective January 22, 2004.

Comments for inclusion in the Rules Docket must be received on or before March 8, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–21–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: Luftfahrt-Bundesamt (LBA), the airworthiness authority for the Federal Republic of Germany, notified the FAA that an unsafe condition may exist on Eurocopter Model MBB–BK–117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters. The LBA advises that Eurocopter has been informed by the manufacturer of the TR transmission and INT gearbox that production-related cracks were found on the bearing cage, which could lead to parts of the cage separating and entering the TR transmission or INT gearbox.

Eurocopter has issued Alert Service Bulletin No. ASB–MBB–BK117–30–108, Revision 1, dated July 4, 2003, which specifies replacing the TR transmission and INT gearbox or replacing the bearings in the TR transmission and INT gearbox by September 30, 2003. The alert service bulletin also specifies inspecting the magnetic plug before the first flight each day until the subject bearings are replaced. The LBA classified this alert service bulletin as mandatory and issued AD 2003–161, dated April 29, 2003, to ensure the continued airworthiness of these helicopters in the Federal Republic of Germany.

These helicopter models are manufactured in the Federal Republic of Germany, and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the Federal Republic of Germany has kept the FAA informed of the situation described above. The FAA has examined the findings of the Federal Republic of Germany, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

The previously described unsafe condition is likely to exist or develop on other helicopters of these same type designs registered in the United States. Therefore, this AD is being issued to prevent cracking and separation of the bearing cage, failure of a bearing, failure of the TR transmission or INT gearbox, and subsequent loss of control of the helicopter. This AD requires inspecting the magnetic plugs of the TR gearbox and INT gearbox for metal particle deposits before the first flight of each day. If a small amount of fuzz is found on the magnetic plug, the magnetic plug must be cleaned and may be reinstalled. If there is an amount of fuzz that exceeds the amount depicted in ''Pos. A'' of Figure 1 of this AD, then replacing the INT gearbox, TR transmission, or bearing, part number (P/N) 4639310006, with serial number (S/N) 3246 through 3598, is required within 30 days after the effective date of this AD. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, the inspections and replacement, if necessary, are required before further flight and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD.

The FAA estimates that this AD will affect 127 helicopters of U.S. registry. It will take approximately 0.5 work hours to inspect both magnetic plugs, and removing and replacing the affected bearings will take approximately 6 work hours to accomplish at an average labor rate of $65 per work hour. Assuming 30 days of inspections, the total cost of inspections will be $123,825. Required parts (3 bearings for each helicopter) will cost approximately $1,147 per helicopter. Based on these assumptions, we estimate the total cost of this AD on U.S. operators to be $319,023. The manufacturer has stated in its alert service bulletin that bearings will be replaced at no cost. Including the warranty coverage, the estimated total cost impact on U.S. operators will be $173,354.

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 should 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 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 mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2003–SW–21–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2004–01–10 Eurocopter Deutschland: Amendment 39–13424. Docket No. 2003–SW–21–AD.

Applicability: Model MBB–BK–117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters with either:

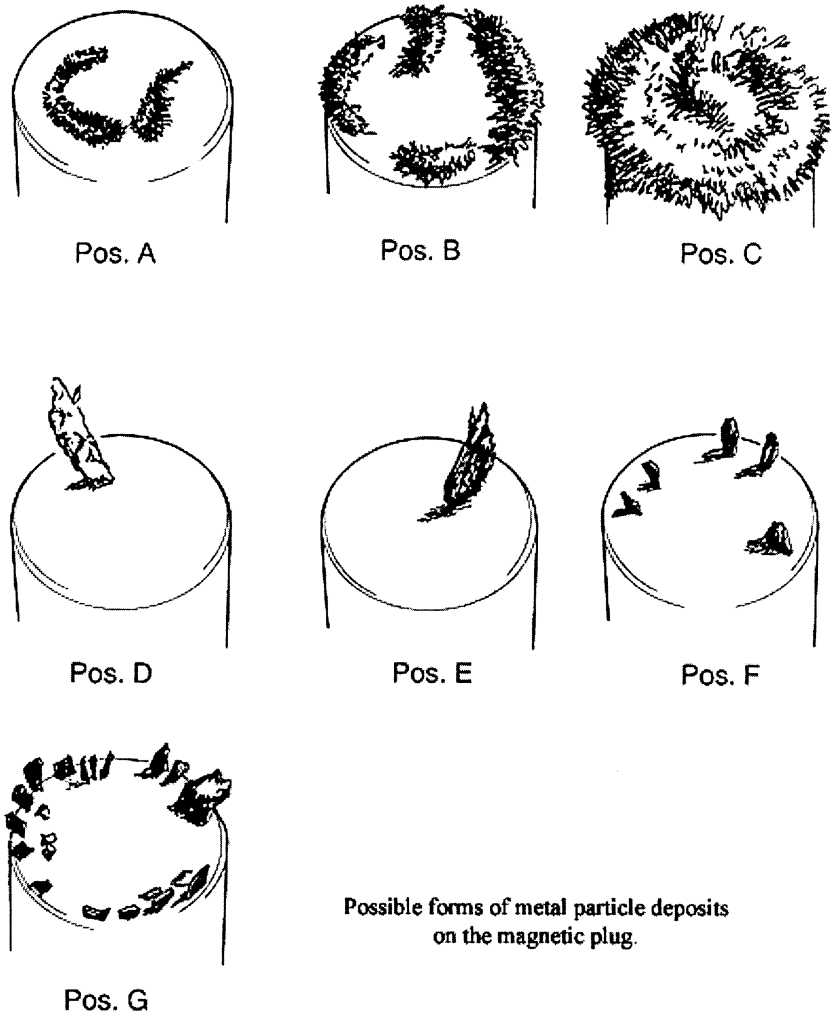
(a) Tail rotor (TR) transmission, part number (P/N) 4639003001 or 4639003007, with serial number (S/N) 900 through 932 plus all S/Ns overhauled or repaired after July 15, 2001, and bearing, P/N 4639310006, S/N 3246 through 3598; *or*

(b) Intermediate (INT) gearbox, P/N 4639002001 or 4639002005, with S/N 902 through 928 plus all S/Ns overhauled or repaired after July 15, 2001, and bearing, P/N 4639310006 with S/N 3246 through 3598.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking, separation of the bearing cage, failure of a bearing, failure of the TR transmission or INT gearbox, and subsequent loss of control of the helicopter, accomplish the following:

(a) Until you do paragraph (b) of this AD, before the first flight of each day, inspect the magnetic plugs of the TR transmission and INT gearbox for metal particles deposits by reference to Figure 1 of this AD.



Possible forms of metal particle deposits on the magnetic plug.

Figure 1

(1) If you find a small amount of fine fuzz as shown in ''Pos. A'' of Figure 1 of this AD, clean the magnetic plug and reinstall it after ensuring that the O-ring is correctly positioned and there is no other damage.

(2) If you find an amount of fuzz as depicted in ''Pos. B'' or ''Pos. C'' or metal chip(s) as depicted in ''Pos. D'' through ''Pos. G'' or a combination of both fuzz and chips, do paragraph (b) of this AD.

(b) No later than February 23, 2004, replace bearing, P/N 4639310006 with S/N 3246 through 3598, with an airworthy bearing or replace the affected TR transmission or INT gearbox with an airworthy TR transmission and INT gearbox that does not contain the affected bearing.

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

(d) This amendment becomes effective on January 22, 2004.

Note: The subject of this AD is addressed in Luftfahrt-Bundesamt (Federal Republic of Germany) AD 2003–161, dated April 29, 2003.

Issued in Fort Worth, Texas, on December 31, 2003.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 04–267 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice 4581]

RIN 1400–ZA06

Amendment to the International Traffic in Arms Regulations: United States Munitions List

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends the International Traffic in Arms Regulations (ITAR) to remove from U.S. Munitions List (USML) jurisdiction certain quartz rate sensors when the sensors are integrated into and included as an integral part of a commercial standby inertial navigation system for use on a civil aircraft or exported solely for integration into such systems. Based on a case-by-case review, the Department will review requests to determine if a sensor is eligible for removal from the USML under this regulatory change. In such cases, the Department will provide the exporter with written confirmation of this determination and the export of the sensors will be under the licensing jurisdiction of the Department of Commerce. In all other cases, these items will continue to be covered by the

USML and subject to State Department licensing.

EFFECTIVE DATE: January 7, 2004.

ADDRESSES: Interested parties are invited to submit written comments to the Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTN: Regulatory Change, Category VIII, 12th Floor, SA–1, Washington, DC 20522–0112 (202–663–2700). Comments will be accepted at any time.

FOR FURTHER INFORMATION CONTACT: Ann Ganzer, Director, Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, Department of State (202) 663–2700.

SUPPLEMENTARY INFORMATION: In conjunction with a request for Commodity Jurisdiction, the Department of State has determined that certain quartz rate sensors otherwise controlled under the ITAR are not subject to the licensing jurisdiction of the Department of State when integrated into backup inertial navigations systems for civil aircraft or exported solely for integration into such systems. This determination will be made on a case-by-case basis in response to requests for consideration under this regulatory change. U.S. exporters are requested to submit a General Correspondence to make a formal request for consideration by the Directorate of Defense Trade Controls. These requests will be favorably considered only where the sensor is an integral part of the commercial system or is exported solely for integration into such a system and is important for the safe operation of the civil aircraft. In making this determination, other factors will also be considered. Among them is the extent to which the sensors can be extracted without damage and used for a significant military application, the extent to which diversion of the sensors alone or in small quantities poses a threat to the national security or foreign policy interests of the United States, and the scope of controls that would be applicable to the commercial system if licensing jurisdiction were transferred to the Department of Commerce. Exports of quartz rate sensors determined by the State Department to not be subject to USML controls will be subject to the licensing jurisdiction of the Department of Commerce whether the sensors are being exported for integration abroad or being exported as an integral part of a commercial standby inertial navigation system.

This amendment involves a foreign affairs function of the United States and therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554. It is exempt from review under Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the purposes thereof. This rule does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

It has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. It will not have substantial direct effects on the States, the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this rule does not have sufficient federalism implications to warrant application of the consultation provisions of Executive Orders 12372 and 13132.

List of Subjects in 22 CFR Part 121

Arms and munitions, Exports.

■ Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, Part 121 is amended as follows:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311; 3 CFR 1977 Comp. p. 79; 22 U.S.C. 2658; Pub. L. 105–261, 112 Stat. 1920.

■ 2. In § 121.1 Category VIII at the end of paragraph (e) add the following note:

§ 121.1 General. The United States Munitions List.

* * * * *

Category VIII—Aircraft and Associated Equipment

* * * * *

(e) * * *

Note: (1) Category XII(d) or Category VIII(e) does not include quartz rate sensors if such items:

(i) Are integrated into and included as an integral part of a commercial standby instrument system for use on civil aircraft prior to export or exported solely for integration into such a commercial standby instrument system, and

(ii) When the exporter has been informed in writing by the Department of State that a specific quartz rate sensor or a quartz rate sensor integrated into a commercial standby instrument system has been determined to be subject to the licensing jurisdiction of the Department of Commerce in accordance with this section.

(2) For controls in these circumstances, see the Commerce Control List. In all other circumstances, quartz rate sensors remain under the licensing jurisdiction of the Department of State under Category XII(d) or Category VIII(e) of the U.S. Munitions List and subject to the controls of the ITAR.

* * * * *

Dated: January 7, 2004.

John R. Bolton,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 04–329 Filed 1–6–04; 8:45 am]

BILLING CODE 4710–25–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–4038; MB Docket No. 03–72, RM–10674; MB Docket No. 03–73, RM–10675; MB Docket No. 03–75, RM–10677.]

Radio Broadcasting Services; Leedey, Oklahoma; Memphis, Texas; and Silverton, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants three proposals that allot new FM channels to Silverton, Texas; Leedey, Oklahoma; and Memphis, Texas. The Audio Division, at the request of Maurice Salsa, allots Channel 252A at Silverton, Texas, as the community's first local aural transmission service. *See* 68 FR 15143, March 28, 2003. Channel 252A can be allotted to Silverton, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.2 km (5.1 miles) east of Silverton. The coordinates for Channel 252A at Silverton, Texas, are 34–28–15 North Latitude and 101–13–09 West Longitude. A filing window for Channel 252A at Silverton, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order. *See* **SUPPLEMENTARY INFORMATION** *infra.*

DATES: Effective February 6, 2004.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket Nos. 03–72, 03–73, and 03–75, adopted December 18, 2003, and released December 23, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY–

A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

The Audio Division further allots, at the request of Robert Fabian, Channel 297A at Leedey, Oklahoma, as the community's first local aural transmission FM service. *See* 68 FR 15143, March 28, 2003. Channel 297A can be allotted to Leedey, Oklahoma, in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.4 km (5.8 miles) northwest of Leedey. The coordinates for Channel 297A at Leedey, Oklahoma, are 35–56–36 North Latitude and 99–23–48 West Longitude. A filing window for Channel 297A at Leedey, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Maurice Salsa, Channel 283A at Memphis, Texas, as the community's third local aural transmission service. *See* 68 FR 15143, March 28, 2003. Channel 283A can be allotted to Memphis, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.7 km (5.4 miles) north of Memphis. The coordinates for Channel 283A at Memphis, Texas, are 34–41–14 North Latitude and 100–27–03 West Longitude. A filing window for Channel 283A at Memphis, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

List of Subjects in 47 CFR part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Leedey, Channel 297A.

■ 3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 283A at Memphis, and Silverton, Channel 252A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–274 Filed 1–6–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 030314059–3326–03; I.D. 062003A]

RIN 0648–AQ48

Fisheries of the Exclusive Economic Zone (EEZ) Off Alaska; Salmon Fisheries off the Coast of Alaska

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to correct the definition of the area in which salmon fishing regulations implementing the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (Salmon FMP) apply, to remove the words ''high seas'' wherever they appear in the salmon fishing regulations, and to remove an obsolete reference to the North Pacific Fisheries Act of 1954 from the salmon fishing regulations. This action is necessary to fully implement Amendment 3 to the Salmon FMP. The intended effect of this action is regulatory consistency with the provisions of Amendment 3 to the Salmon FMP and improved conservation and management of the salmon fisheries off the coast of Alaska.

DATES: Effective February 6, 2004.

ADDRESSES: Copies of the Regulatory Impact Review (RIR) may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 1668, Attn: Lori Durall, 907–586–7247.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7228 or e-mail at *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The salmon fishery in the EEZ off the Coast of Alaska is managed pursuant to the Salmon FMP prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Implementing regulations originally appeared at 50 CFR part 674.

The original Salmon FMP provided for the management of the salmon fisheries throughout the EEZ off the coast of Alaska except for the extreme western part of the EEZ west of 175° E. long., near Attu Island. This °extreme western part of the EEZ was excluded because this area was then under the jurisdiction of the International Convention for the High Sea Fisheries of the North Pacific Ocean. The original name of the salmon FMP was the ''Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude.''

Over time, the international regime affecting salmon fisheries changed and the Council revisited its salmon management policies. In 1989, the Council adopted Amendment 3 to the FMP which, among other things, renamed the FMP to ''Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska,'' deferred regulation of the salmon fisheries in the EEZ to the State of Alaska, and extended the geographic jurisdiction of the Salmon FMP over waters of the EEZ west of 175° E. long. The Secretary of Commerce (Secretary) approved Amendment 3 to the FMP in 1990, and published a final rule on November 15, 1990 (55 FR 47773), implementing associated measures and removing all the specific management measures from 50 CFR part 674. The 1990 implementing regulations inaccurately omitted both the new title of the FMP and the extension of the geographic jurisdiction of the FMP. No public comment was received on this or on any of the other changes made by Amendment 3, and the entire amendment was non-controversial.

In compliance with required consolidation of all Federal fishery regulations pursuant to President Clinton's Regulatory Reform Initiative, NMFS combined all existing fisheries regulations for the EEZ off Alaska, including part 674, into a new 50 CFR part 679 (62 FR 19686, April 23, 1997). This final rule recodified the two regulatory provisions that NMFS erroneously failed to revise in its 1990 rulemaking that implemented Amendment 3. Moreover, NMFS erred again in the regulatory consolidation by redefining the ''High Seas Salmon Management Area'' as ''the portion of the EEZ off Alaska east of 175° E. long.'' This new error reinstated the definition of the Salmon FMP management area

effective prior to approval of Amendment 3 by eliminating waters west of 175 degrees east longitude from the management area. Consequently, the current regulations implementing the Salmon FMP fail to give regulatory effect to the expansion of geographic jurisdiction adopted in Amendment 3.

NMFS published a correction notice in the **Federal Register** on July 1, 2002 (67 FR 44093), to change the name of the Salmon FMP as it appears in 50 CFR 679.1(i) to be consistent with the Salmon FMP as amended and approved by the Secretary.

NMFS published a proposed rule in the **Federal Register** on July 23, 2003 (68 FR 43483), which described the proposed regulatory amendment to correctly describe the geographic jurisdiction of the Salmon FMP, to remove the words ''high seas'' wherever they appear in the salmon fishing regulations, and to remove an obsolete reference to the North Pacific Fisheries Act of 1954 from the salmon fishing regulations. Comments were invited from the public through August 22, 2003. NMFS received one comment letter on the proposed rule which is summarized below:

Comment: NMFS approved the Salmon FMP in 1979 to implement the Federal Government's authority over the salmon troll fishery off the coast of Southeast Alaska. The troll fishery had previously been managed by the State of Alaska, and a significant amount of the effort occurred on the Fairweather Grounds, in what was then called the Fishery Conservation Zone (FCZ), now the EEZ. The primary regulatory provision of the Salmon FMP was establishment of a federal permit system, which is now codified at 50 CFR 679.4(h). When the Salmon FMP was amended in 1990, it expressly stated in Section 2.2.2 that fishing in three ''historical'' net fisheries managed by the State of Alaska pursuant to the North Pacific Fisheries Act and 50 CFR part 210 was not subject to the prohibition on fishing in the West Area.

Appendix C of the Salmon FMP elaborated this intent and delineated the boundaries of the three fisheries at False Pass (South Peninsula), Cook Inlet, and Copper River. The regulations implementing the amended Salmon FMP captured this intent in a provision now codified at 50 CFR 679.7(h)(1), which provides that it is unlawful to fish for salmon ''in violation of the North Pacific Fisheries Act of 1954.'' The inference is that fishing in compliance with the North Pacific Fisheries Act that is, in the three ''historic'' net fisheries that technically extend into the EEZ but which are managed by the State of Alaska is not prohibited by the Federal salmon regulations.

In the proposed rule, NMFS proposed to remove § 679.7(h)(1) and delete the reference to the North Pacific Fisheries Act. This would have the unintended consequence of foreclosing fishing that the Salmon FMP expressly authorizes in the three net fisheries identified in section 2.2.2 and Appendix C. Without the reference to the North Pacific Fisheries Act, NMFS is left with the language of 50 CFR § 679.3(f)(3) , which states, in part, ''Because no commercial fishing for salmon is allowed in the EEZ west of Cape Suckling, all commercial salmon fishing west of Cape Suckling must take place in Alaska's territorial sea and, consequently, is subject to Alaska's management authority.'' This sentence in § 679.3(f)(3) is not accurate in view of Section 2.2.2 of the Salmon FMP, but since it is only descriptive and not proscriptive it does not operate to foreclose fishing that currently is allowed under the Salmon FMP and § 679.7(h)(1). The exemption for the three historical net fisheries may be less clear in the absence of § 679.7(h)(1). The commenter makes suggestions for changes to the final rule regulatory text to ensure that fishing for salmon in the three net fishing areas is not prohibited.

NMFS agrees with the commenter that the proposed rule would have resulted in the unintended prohibitions of fishing for salmon in the three historical fisheries. NMFS makes the suggested changes to the final rule implementing the Salmon FMP at § 679.3(f) and § 679.7(h)(2).

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule does not have a significant economic impact on a substantial number of small entities. This final rule extends the jurisdiction of the Salmon FMP to the EEZ waters west of 175° E. long. This final rule will have no effect on any small entities because there has not been any domestic salmon fishing in these waters for 40 years, and NMFS expects no salmon fishing to develop in these waters in the forseeable future. No comments were received regarding the economic impact of the final rule. As a result, a regulatory flexibility analysis was not prepared.

NMFS is aware of no existing relevant Federal rules which duplicate, overlap, or conflict with this final rule.

This regulation does not impose new recordkeeping or reporting requirements on the regulated small entities.

The legislative authority for this action is the Magnuson-Stevens Fishery Conservation and Management Act, Public Law 94 265, 16 U.S.C. 1801 (Magnuson-Stevens Act).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, International organizations, Recordkeeping and reporting.

Dated: December 31, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et. seq., 1801 *et. seq.*, and 3631 *et. seq.*

■ 2. In § 679.1, paragraph (i) is revised to read as follows:

§ 679.1 Purpose and scope.

* * * * *

(i) *Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (Salmon FMP).* (1) Regulations in this part govern fishing for salmon by fishing vessels of the United States in the Salmon Management Area.

(2) State of Alaska laws and regulations that are consistent with the Salmon FMP and with the regulations in this part apply to vessels of the United States that are fishing for salmon in the Salmon Management Area.

* * * * *

■ 3. In § 679.2 , the definition for ''High Seas Salmon Management Area'' is removed; the definitions for ''Commercial fishing,'' paragraph (1); ''Optimum yield'' paragraph (1); and ''Personal use fishing,'' are revised and the definition for ''Salmon Management Area'' is added, alphabetically to read as follows:

§ 679.2 Definitions.

* * * * *

Commercial fishing means:

(1) For purposes of the salmon fishery, fishing for salmon for sale or barter.

* * * * *

Optimum yield means:

(1) With respect to the salmon fishery, that amount of any species of salmon

that will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the Salmon FMP.

* * * * *

Personal use fishing means, for purposes of the salmon fishery, fishing other than commercial fishing.

* * * * *

Salmon Management Area means the waters of the EEZ off the coast of Alaska (see Figure 23 to part 679), including parts of the North Pacific Ocean, Bering Sea, Chukchi Sea, and Beaufort Sea. The Salmon Management Area is divided into a West Area and an East Area with the border between the two at the longitude of Cape Suckling (143°53'36'' W):

(1) The West Area is the area of the EEZ off the coast of Alaska west of the longitude of Cape Suckling (143°53′36″ W). It includes the EEZ in the Bering Sea, Chukchi Sea, and Beaufort Sea, as well as the EEZ in the North Pacific Ocean west of Cape Suckling.

(2) The East Area is the area of the EEZ off the coast of Alaska east of the longitude of Cape Suckling (143°53′36″ W).

* * * * *

■ 4. In § 679.3, paragraph (f)(5) is removed; paragraph (f)(4) is redesignated as (f)(5); paragraph (f)(3) is revised; and new paragraph (f)(4) is added to read as follows:

§ 679.3 Relation to other laws.

* * * * *

(f) *Domestic fishing for salmon.*

* * * * *

(3) The Salmon Fishery east of Cape Suckling is administered in close coordination with ADF&G's administration of the State of Alaska's regulations governing the salmon troll fishery off Southeast Alaska. For State of Alaska regulations specifically governing the salmon troll fishery, see 5 Alaska Administrative Code 30 (Yakutat Area), and 5 Alaska Administrative Code 33 (Southeastern Alaska Area).

(4) Commercial fishing for salmon in the EEZ west of Cape Suckling is not allowed except in three net fisheries managed by the State of Alaska as described in Section 2.2.2 and Appendix C of the Salmon FMP. For State of Alaska regulations governing these fisheries, see 5 Alaska Administrative Code 09 (Alaska Peninsula), 5 Alaska Administrative Code 21 (Cook Inlet), and 5 Alaska Administrative Code 24 (Prince William Sound).

* * * * *

■ 5. In § 679.7, paragraph (h) is revised to read as follows:

§ 679.7 Prohibitions.

* * * * *

(h) Salmon fisheries. (1) Fish for, take, or retain any salmon in violation of this part.

(2) Engage in fishing for salmon in the Salmon Management Area defined at § 679.2 and Figure 23 to this part, except to the extent authorized by § 679.4(h) or applicable State of Alaska regulations.

* * * * *

§§ 679.3 and 679.4 [Amended]

■ 6. In addition to the amendment set out above, in 50 CFR part 679, remove the words ''high seas salmon'' and add in their place the word ''salmon'' in the following places:

a. In § 679.3:

Paragraph (f)(1).

b. In § 679.4:

Paragraph (a)(1)(v), paragraphs (h) heading and introductory text, (h)(1), (h)(1)(iii), (h)(3), (h)(4), (h)(5)(i), (h)(5)(i)(A), (h)(5)(i)(B), (h)(5)(i)(C), (h)(5)(ii), (h)(6) introductory text, (h)(6)(iv), (h)(7)(i), (h)(8), (h)(10), (h)(13) heading introductory text, (h)(13)(i), (h)(13)(ii)(A), (h)(13)(ii)(E), (h)(14)(i), (h)(15)(i), (h)(15)(iii), (h)(15)(vii), and (h)(16)(i).

■ 7. In part 679, Figure 23 is added to read as follows:

BILLING CODE 3510–22–S

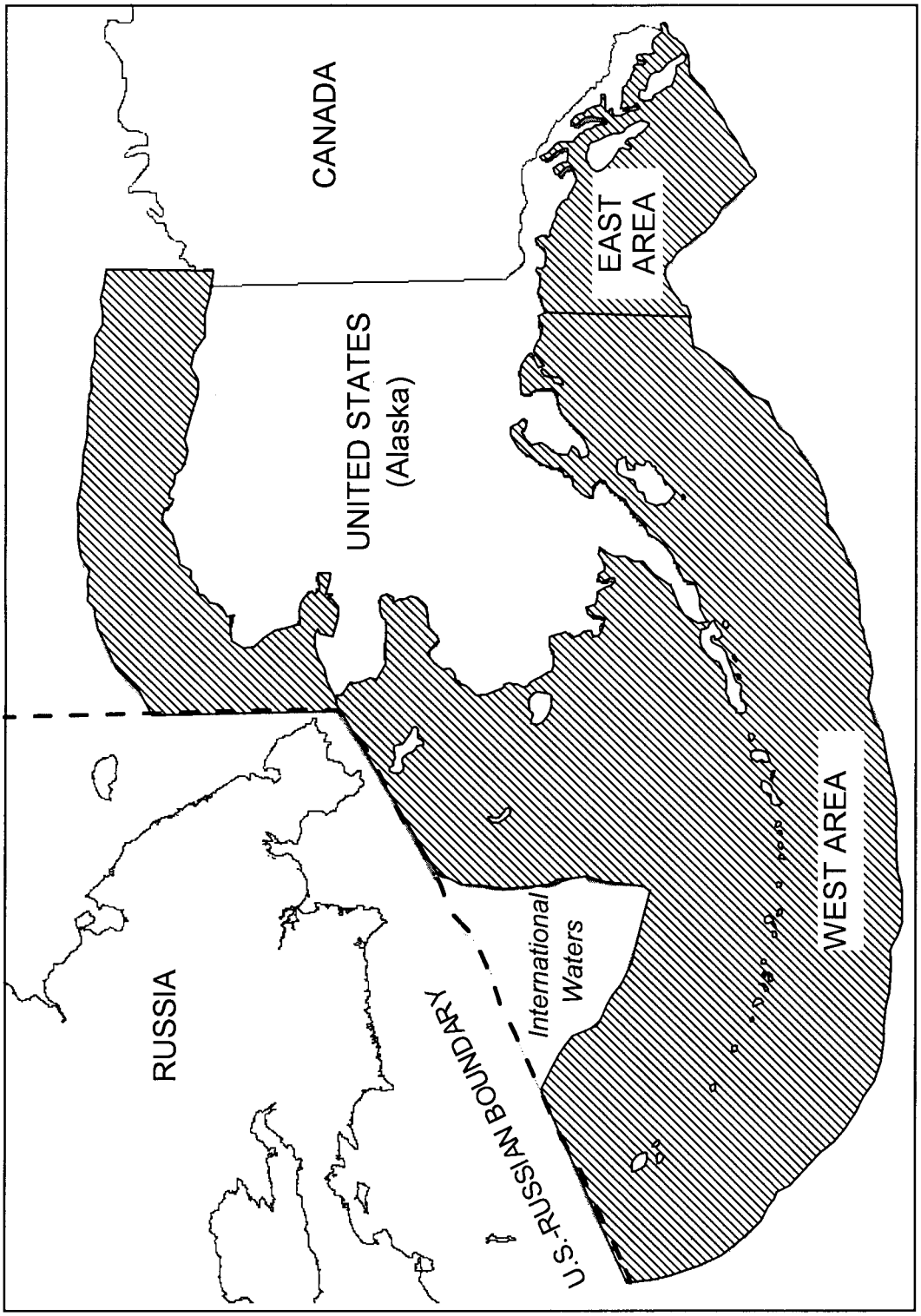


Figure 23 to Part 679 -- Salmon Management Area (see § 679.2)

[FR Doc. 04–327 Filed 1–6–04; 8:45 am]
BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 69, No. 4
Wednesday, January 7, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AH24

Industry Codes and Standards; Amended Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) proposes to amend its regulations to incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of Division 1 of Section III of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code); the 2001 Edition and the 2002 and 2003 Addenda of Division 1 rules of Section XI of the ASME BPV Code; and the 2001 Edition and the 2002 and 2003 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) to provide updated rules for constructing and inspecting components and testing pumps and valves in light-water cooled nuclear power plants.

DATES: Comments regarding the proposed amendment must be submitted by March 22, 2004. Comments received after this date will be considered if it is practical to do so, but the Commission is only able to ensure consideration of comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number RIN 3150–AH24 in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: *SECY@nrc.gov.* If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking web site at *http://ruleforum.llnl.gov.* Address questions about our rulemaking website to Carol Gallagher (301) 415–5905; email *cag@nrc.gov.*

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone (301) 415–1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415–1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at *http://ruleforum.llnl.gov.*

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, (301) 415–4737 or by email to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen Tingen, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Alternatively, you may contact Mr. Tingen at (301) 415–1280, or via e-mail at: sgt@nrc.gov.

SUPPLEMENTARY INFORMATION:

1. Background
2. Summary of Proposed Revisions to 10 CFR 50.55a
   2.1 Section III
   2.2 Section XI
   2.3 ASME OM Code
3. Section-by-Section Analysis
4. Generic Aging Lessons Learned Report
5. Availability of Documents
6. Plain Language
7. Voluntary Consensus Standards
8. Finding of No Significant Environmental Impact: Availability
9. Paperwork Reduction Act Statement
10. Regulatory Analysis
11. Regulatory Flexibility Certification
12. Backfit Analysis

1. Background

Section 50.55a requires, in part, that nuclear power plant licensees—

(1) Construct Class 1, 2, and 3 components in accordance with the provisions provided in Section III, Division 1, ''Requirements for Construction of Nuclear Power Plant Components,'' of the ASME BPV Code;

(2) Inspect Class 1, 2, and 3, metal containment (MC), and concrete containment (CC) components in accordance with the provisions provided in Section XI, Division 1, ''Requirements for Inservice Inspection of Nuclear Power Plant Components,'' of the ASME BPV Code; and

(3) Test Class 1, 2, and 3 pumps and valves in accordance with the provisions provided in the ASME OM Code.

In a final rule dated September 26, 2002 (67 FR 60520), the NRC revised § 50.55a to incorporate by reference the 1997 Addenda through 2000 Addenda of Division 1 rules of Section III of the ASME BPV Code; the 1997 Addenda through 2000 Addenda of Division 1 rules of Section XI of the ASME BPV Code; and the 1997 Addenda through 2000 Addenda of the ASME OM Code.

In this rulemaking, the NRC proposes to amend § 50.55a to incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of Division 1 rules of Section III of the ASME BPV Code; the 2001 Edition and the 2002 and 2003 Addenda of Division 1 rules of Section XI of the ASME BPV Code; and the 2001 Edition and the 2002 and 2003 Addenda of the ASME OM Code. The NRC has reviewed the 2001 Edition and the 2002 and 2003 Addenda of the ASME BPV Code, Sections III and XI, and the ASME OM Code, and concludes that—

(1) Section III of the ASME BPV Code is acceptable for use subject to proposed modifications and limitations;

(2) Section XI of the ASME BPV Code is acceptable for use subject to proposed modifications and limitations; and

(3) The ASME OM Code is acceptable for use with no new proposed limitations or modifications.

2. Summary of Proposed Revisions to 10 CFR 50.55a

2.1 Section III

The proposed amendment would revise § 50.55a(b)(1) to incorporate by reference the 2001 Edition and the 2002

and 2003 Addenda of Division 1 of Section III of the ASME BPV Code subject to proposed modifications and limitations.

The proposed amendment would revise the existing modification and limitation for weld leg dimensions and independence of inspection in §§ 50.55a(b)(1)(ii) and 50.55a(b)(1)(v), respectively, to apply to the 2001 Edition through 2003 Addenda of Section III, Division 1, of the ASME BPV Code. The modification and limitation in §§ 50.55a(b)(1)(ii) and 50.55a(b)(1)(v) would continue to apply to the 2001 Edition through 2003 Addenda of Section III because the earlier Code provisions that these regulations are based on were not revised in the 2001 through 2003 Addenda of Section III to address the underlying issues which led to the NRC to impose the modification and limitation on the ASME Code provisions.

10 CFR 50.55a(b)(1)(iii)—Seismic Design

The proposed amendment would revise the existing limitation for seismic design in § 50.55a(b)(1)(iii) to limit its application to the 1994 Addenda through 2000 Addenda of Section III, Division 1, of the ASME BPV Code. The limitation in § 50.55a(b)(1)(iii) would not apply to the 2001 Edition through 2003 Addenda of Section III because the earlier Code provisions that this regulation was based on were revised in the 2001 through 2003 Addenda of Section III to address a number of the underlying issues which led the NRC to impose the limitation on the ASME Code provisions. New modifications and limitations proposed by the NRC on seismic design provisions in the 2001 through 2003 Addenda of Section III are discussed in § 50.55a(b)(1)(vi) below.

10 CFR 50.55a(b)(1)(vi)—Piping Design Criteria For Reversing Dynamic Loads

The proposed amendment would add modifications and limitations, § 50.55a(b)(1)(vi)(A) through (F), that prohibit or supplement as discussed below the use of certain piping design criteria for reversing dynamic loads in the 2001 Edition and the 2002 and 2003 Addenda of Section III of the ASME BPV Code. These provisions involve the alternative method for evaluating reversing dynamic loads. Reversing dynamic loads are defined as those loads which cycle about a mean value and include building filtered loads, seismic (earthquake) loads, and reflected wave loads.

The alternative method for evaluating reversing dynamic loads was revised in the 1994 Addenda of Section III. The new provisions in the 1994 Addenda were based, in part, on industry evaluations of the data from tests performed under sponsorship of the Electric Power Research Institute (EPRI) and NRC. After reviewing changes in the 1994 Addenda, the NRC determined that the alternative method was unacceptable because evaluation of the test data did not support the changes. An ASME special working group was established to reevaluate the bases for the alternative method for evaluating reversing dynamic loads that was revised in the 1994 Addenda. An NRC sponsored research program was also initiated to evaluate the technical issues regarding the adequacy of the new provisions in the 1994 Addenda. These technical issues are summarized in NUREG/CR–5361, ''Seismic Analysis of Piping,'' dated June 1998. The technical issues summarized in NUREG/CR–5361 were subsequently evaluated by ASME committees, and Section III of the ASME BPV Code has been revised to resolve the technical issues in NUREG/CR–5361. However, in the NRC's view, several technical issues in NUREG/CR–5361 have not been satisfactorily resolved. These technical issues are discussed below.

10 CFR 50.55a(b)(1)(vi)(A)—Reflected Waves Caused by Flow Transients

NB–3200, NB–3600, NC–3600, and ND–3600 of the 2001 Edition and the 2002 and 2003 Addenda allow the alternative method for evaluating reversing dynamic loads to be applied to calculations for piping subject to loads generated by reflected waves caused by flow transients (sudden closure of a valve is an example of a condition that could create a flow transient). Members on ASME committees used data from tests performed under the sponsorship of EPRI and NRC that focused on seismic loading conditions to demonstrate that use of the alternative method for evaluating reversing dynamic loads for piping subject to loads provided acceptable design margins. As discussed in NUREG/CR–5361, the limited amount of test data does not support a finding that the design margin is adequate for these types of loadings. Therefore, the NRC is proposing to disallow the use of the alternative method for evaluating reversing dynamic loads for piping subject to loads generated by reflected waves caused by flow transients in NB–3200, NB–3600, NC–3600, and ND–3600.

10 CFR 50.55a(b)(1)(vi)(B)—Inelastic Analysis for Evaluating Reversing Dynamic Loads

NB–3228.6 of the 2001 Edition and the 2002 and 2003 Addenda provides alternative provisions for performing an inelastic analysis for evaluating reversing dynamic loads. The NRC is proposing to disallow the use of NB–3228.6. As discussed in NUREG/CR–5361, the NRC's and industry's review of the limited amount of test data does not support a finding that the design margin is adequate. In addition, it would require validation of the nonlinear material modeling (constitutive relationships) in order to justify selection of the material models because of the high sensitivity of the dynamic analysis to these material models.

10 CFR 50.55a(b)(1)(vi)(C)—Level A and B Service Limit Loadings

NC–3653.2(d) and ND–3653.2(d) of the 2001 Edition and the 2002 and 2003 Addenda provide a separate equation for evaluating reversing dynamic loads from other design basis loadings for Level A and B service limits. The NRC is proposing to disallow the use of NC–3653.2(d) and ND–3653.2(d) because it has not been demonstrated that these provisions provide an adequate design margin or that the treatment of reversing dynamic loads separate from other design basis loads is acceptable. The NRC is proposing the use of NC–3653.1 and NC–3653.2 instead of NC–3653.2(d), and ND–3653.1 and ND–3653.2 instead of ND–3653.2(d). Analysis using NC–3653.1 or ND–3653.1 must include pressure and reversing dynamic loads that are not required to be combined with nonreversing dynamic loads. The allowable B_2' stress indices defined in NC–3655(b)(3) may be used in these analyses. The anchor motions associated with reversing dynamic loads must be included as an anchor displacement in the definition of M_C when applying NC–3653.2 or ND–3653.2.

10 CFR 50.55a(b)(1)(vi)(D)—Appendix N Linear Elastic Response Spectrum Analysis

NB–3656(b)(3), NC–3655(b)(3), and ND–3655(b)(3) of the 2001 Edition and the 2002 and 2003 Addenda provide a definition of the moment, M_E, to be used in the evaluation of reversing dynamic loads. The moment definition states that reversing dynamic loads must be computed from a linear elastic response spectrum analysis as defined in Appendix N of Section III. Linear elastic response spectrum analysis

requirements are also addressed in the licensing basis for each nuclear power plant. Appendix N linear elastic response spectrum analysis provisions may be less conservative than licensing basis linear elastic response spectrum analysis provisions. The proposed rule would disallow the use of Appendix N in applications when Appendix N linear elastic response spectrum analysis provisions are less conservative than licensing basis linear elastic response spectrum analysis provisions. A licensee would be required to compare the Appendix N linear elastic response spectrum analysis provisions to its licensing basis linear elastic response spectrum analysis provisions, and use the provisions that provide the most conservative calculation of M_E.

10 CFR 50.55a(b)(1)(vi)(E)—Stress Indices for Tees and Elbows

NB–3656(b)(3), NC–3655(b)(3), and ND–3655(b)(3) of the 2001 Edition and the 2002 and 2003 Addenda specify the maximum allowable B_2' stress indices for tees and elbows when using the alternative method for evaluating dynamic reversing loads. The allowable B_2' stress indices specified in ND–3655(b)(3) are not consistent with the allowable B_2' stress indices specified in NB–3656(b)(3) and NC–3655(b)(3). The allowable B_2' stress indices of 3/4 up to B_2' for tees and elbows as specified in NB–3656(b)(3) and NC–3655(b)(3) are acceptable. The NRC is proposing to disallow the use of the B_2' stress indices specified in ND–3655(b)(3), and to require that the allowable B_2' stress indices specified in NB–3656(b)(3) and NC–3655(b)(3) be used instead of the allowable B_2' stress indices specified in ND–3655(b)(3). The NRC is proposing to disallow the use of the B_2' stress indices specified in ND–3655(b)(3) for tees and elbows because the design margins associated with this application have not been established.

10 CFR 50.55a(b)(1)(vi)(F)—Anchor Motions

The proposed amendment would allow the use of an allowable stress limit of $6S_M$ in the evaluation of the range of resultant moment only when it is demonstrated that the global piping system response to the anchor movement does not create significant inelastic strain concentrations when using the provisions in NB–3656(b)(4), NC–3655(b)(4), and ND–3655(b)(4). The proposed amendment would not require a demonstration that the anchor movement does not create significant inelastic strain concentrations if an allowable stress limit of $3S_M$ is used instead of $6S_M$ in the evaluation of the range of resultant moment. NB–3656(b)(4), NC–3655(b)(4), and ND–3655(b)(4) of the 2001 Edition and the 2002 and 2003 Addenda provide provisions for evaluating anchor motions when using the alternative method for evaluating reversing dynamic loads. The allowable bending stress limit of $6S_M$ in NB–3656(b)(4), NC–3655(b)(4), and ND–3655(b)(4) is used in conjunction with the elastic analysis of the piping system. However, significant inelastic strains in the piping system could occur at the $6S_M$ stress limit. The elastic analysis of the piping system will ensure that the inelastic piping strains will remain within acceptable limits as long as the global piping system behaves elastic. However, if a significant strain concentration exists in the piping system, the maximum strain may be much greater than would be predicted by an elastic analysis. These larger strains could result in failure of the piping. The use of an allowable stress limit of $3S_M$ instead of $6S_M$ is acceptable because the adequacy of the $3S_M$ stress limit has been satisfactorily demonstrated by operating experience for thermal loads.

10 CFR 50.55a(b)(1)(vii)—Subsection NH

The proposed modification, § 50.55a(b)(1)(vii), would not approve the use of Subsection NH of the 2001 Edition through 2003 Addenda of Section III of the ASME BPV Code, and withdraw the current approval of Subsection NH of the 1995 through 2000 Addenda of Section III of the ASME BPV Code. The scope of Subsection NH includes Class 1 components that function in water, steam, sodium, helium, or any other fluid. The special design provisions in Subsection NH apply to Class 1 components that are required to function at elevated metal temperatures where creep and relaxation effects may be significant and for which the stress limits and design provisions in Subsection NB of Section III are not applicable. These stress limits and design provisions of Subsection NB are applicable only to service conditions where creep and relaxation effects are negligible. The elevated temperature provisions in Subsection NH—applicable to certain Class 1 components in future advanced reactor designs such as liquid metal, sodium, and high-temperature gas-cooled reactor designs—have not been reviewed by the NRC for technical adequacy because the design provisions in Subsection NH are not applicable to any currently operating nuclear power plant nor to any currently approved standard advanced light water reactor plant design. For these reasons, the NRC is proposing not to approve the use of Subsection NH. Future reactor designs may not employ the special design methodologies for high temperatures described in Subsection NH absent specific approval by the NRC.

2.2 Section XI

The proposed amendment would revise § 50.55a(b)(2) to incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of Division 1 of Section XI of the ASME BPV Code subject to proposed modifications and limitations.

The proposed amendment would revise the existing modifications and limitations for quality assurance, Class 1 piping, underwater welding, reconciliation of quality requirements, certification of nondestructive examination personnel, substitution of alternative method, and Table IWB–2500–1 examination requirements in §§ 50.55a(b)(2)(x), 50.55a(b)(2)(xi), 50.55a(b)(2)(xii), 50.55a(b)(2)(xvii), 50.55a(b)(2)(xviii), 50.55a(b)(2)(xix), and 50.55a(b)(2)(xxi), respectively, to apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code. The modifications and limitations in §§ 50.55a(b)(2)(x), 50.55a(b)(2)(xi), 50.55a(b)(2)(xii), 50.55a(b)(2)(xvii), 50.55a(b)(2)(xviii), 50.55a(b)(2)(xix), and 50.55a(b)(2)(xxi) would continue to apply to the 2001 Edition through 2003 Addenda of Section XI because the earlier Code provisions that these regulations are based on were not revised in the 2001 through 2003 Addenda of Section XI to address the underlying issues which led the NRC to impose the modifications and limitations on the ASME Code provisions.

10 CFR 50.55a(b)(2)—Footnote 10

The proposed amendment would add Footnote 10 to § 50.55a(b)(2) to indicate that the NRC has issued Order EA–03–009 which imposed enhanced reactor pressure vessel (RPV) head inspections at pressurized water reactors (PWRs). In February 2003, the NRC issued EA–03–009 to licensees of PWRs to establish interim inspection requirements that would ensure adequate protection of public health and safety, based in part, on the information gathered from NRC Bulletins 2001–01 and 2002–02. The Order imposes enhanced requirements for PWR licensees that supplement areas of Section XI of the ASME BPV Code to ensure the structural and leakage integrity of the reactor coolant pressure boundary. The requirements imposed by the Order do not conflict with the requirements in Section XI of the ASME

BPV Code but are needed to enhance Code requirements. Since issuing the Order, the NRC issued Regulatory Issue Summary 2003–13 on July 29, 2003, which summarizes the information gathered from Bulletin 2002–01 and the South Texas Project inspection related to cracking and leaks associated with Alloy 600/82/182 materials; and Information Notice 2003–11 on August 13, 2003, which describes the leakage found on the bottom of the South Texas vessel. In the near future, the NRC plans to institute rulemaking to incorporate the provisions of the Order into NRC rules and regulations. Until that time, licensees are required to meet the requirements in the Order as a supplement to the requirements in the 2001 Edition with the 2002 and 2003 Addenda of Section XI of the ASME BPV Code. Licensees of PWRs using editions and addenda of Section XI of the ASME Code earlier than the 2001 Edition are currently required to apply the requirements in the Order to supplement the use of their applicable Code of record. The NRC anticipates that the Backfit Rule will not apply to the proposed rulemaking incorporating the provisions of the Order because the rulemaking will not impose any new requirements beyond that required by the Order.

10 CFR 50.55a(b)(2)(viii)—Examination of Concrete Containments

The proposed amendment would revise the existing modification for examination of concrete containments in § 50.55a(b)(2)(viii) to apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code. The modification in § 50.55a(b)(2)(viii) would continue to apply to the 2001 Edition through 2003 Addenda of Section XI because the earlier Code provisions that this regulation was based on were not revised in the 2001 through 2003 Addenda of Section XI to address the underlying issues which led the NRC to impose the modification of the ASME Code provisions. The existing modification for examination of concrete containments in § 50.55a(b)(2)(viii) also would be revised to require that a new modification, § 50.55a(b)(2)(viii)(G), which is discussed below, would apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code.

The proposed modification, § 50.55a(b)(2)(viii)(G), would require that corrosion protection medium (CPM) be restored in accordance with the quality assurance program requirements specified in IWA–1400 following IWL–4000 repair and replacement activities conducted on concrete containment post-tensioning systems when using the 2001 Edition through 2003 Addenda of Section XI. IWL–4110 of Section XI defines the scope of the repair and replacement activities associated with concrete containments. IWL–4110(b) specifies those items that are exempt from repair and replacement activity requirements. A new provision, IWL–4110(b)(3), was added in the 2002 Addenda exempting the removal, replacement, or addition of concrete containment post-tensioning system CPM from repair and replacement requirements. Prior to the 2002 Addenda, IWL–4000 specifies that the CPM must be restored following a concrete containment post-tensioning system repair and replacement activity.

CPM is applied to containment post-tension system components to prevent corrosion. The function of the containment post-tension system is to retain pressure and CPM is relied upon to maintain the integrity of the containment post-tension system. Therefore, the restoration of concrete containment post-tensioning system CPM is important to ensure that the containment integrity and load capacity satisfy design basis requirements under accident conditions. For example, the acceptable concentration of water soluble chlorides, nitrates and sulfides of the replacement CPM must be verified. The amount of CPM to be installed and the method used to apply the CPM must be specified.

10 CFR 50.55a(b)(2)(ix)—Examination of Metal Containments and the Liners of Concrete Containments

The proposed amendment would revise the existing modification for examination of metal containments and the liners of concrete containments in § 50.55a(b)(2)(ix) to apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code. With the exception of the visual examination requirements specified in § 50.55a(b)(2)(ix)(B), the modification in § 50.55a(b)(2)(ix) would continue to apply to the 2001 Edition through 2003 Addenda of Section XI because the earlier Code provisions that this regulation was based on were not revised in the 2001 through 2003 Addenda of Section XI to address the underlying issues which led to the NRC to impose the modification on the ASME Code provisions. The minimum illumination and distance visual examination provisions in Table IWA–2210–1 in Section XI were revised in the 2003 Addenda and are equivalent to the minimum illumination and distance visual examination requirements in § 50.55a(b)(2)(ix)(B). Therefore, the modification for examination of metal containments and the liners of concrete containments in § 50.55a(b)(2)(ix) would also be revised to specify that the existing modification in § 50.55a(b)(2)(ix)(B) would not apply to the 2003 Addenda of Section XI, Division 1, of the ASME BPV Code.

10 CFR 50.55a(b)(2)(xiii)—Flaws in Class 3 Piping

The proposed amendment would revise § 50.55a(b)(2)(xiii) to eliminate the authorization to use Code Case N–513. The existing regulation in § 50.55a(b)(2)(xiii) authorizes the use of Code Cases N–513 and N–523–1. The authorization of Code Case N–513 was added to Regulatory Guide 1.147, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' in Revision 13. Revision 13 to Regulatory Guide 1.147 was incorporated by reference into § 50.55a in a final rule dated July 8, 2003 (68 FR 40469). Thus, it is no longer necessary to authorize the use of Code Case N–513 in § 50.55a(b)(2)(xiii) because this code case is included in Regulatory Guide 1.147. Section 50.55a(b)(2)(xiii) would continue to authorize the use of Code Case N–523–1, because Code Case N–523–1 is currently not included in Regulatory Guide 1.147.

10 CFR 50.55a(b)(2)(xiv)—Appendix VIII Personnel Qualification

The proposed amendment would revise the existing modification for Appendix VIII personnel qualification in § 50.55a(b)(2)(xiv) to apply to the 2001 Edition through 2003 Addenda of Section IX, Division 1, of the ASME BPV Code. The modification in § 50.55a(b)(2)(xiv) would continue to apply to the 2001 Edition through 2003 Addenda of Section XI because the earlier Code provisions that this regulation was based on were not revised in the 2001 through 2003 Addenda of Section IX to address the underlying issues which led to the NRC to impose the modification on the ASME Code provisions. The proposed rule would also revise § 50.55a(b)(2)(xiv) to correct an oversight. The existing regulation incorrectly states that the annual practice requirements in VII–4240 of Supplement VII of Section XI may be used. The reference to Supplement VII is incorrect; it should be Appendix VII. Therefore, § 50.55a(b)(2)(xiv) would be revised to state that the annual practice requirements in VII–4240 of Appendix VII of Section XI may be used.

10 CFR 50.55a(b)(2)(xv) and (xxiv)—Appendix VIII Qualification and Coverage Requirements

The proposed amendment would revise the existing modification for Appendix VIII specimen set and qualification requirements in § 50.55a(b)(2)(xv) to apply to the 2001 Edition of Section XI, Division 1, of the ASME BPV Code. The modification in § 50.55a(b)(2)(xv) would continue to apply to the 2001 Edition of Section XI because the earlier Code provisions that this regulation was based on were not revised in the 2001 Edition of Section XI to address the underlying issues which led the NRC to impose the modification of the ASME Code provisions. A new limitation, § 50.55a(b)(2)(xxiv), is discussed below that would prohibit the use of Appendix VIII and the supplements to Appendix VIII, and Article I–3000 in the 2002 and 2003 Addenda of Section XI of the ASME BPV Code.

The proposed amendment would also revise the existing regulation in § 50.55a(b)(2)(xv)(C)(*1*) to specify that the flaw depth sizing provisions in Subparagraph 3.2(c) of Supplement 4 to Appendix VIII are not applicable when Appendix VIII is implemented in accordance with § 50.55a(b)(2)(xv). Section 50.55a(b)(2)(xv) currently provides an alternative method that licensees may use for implementing Appendix VIII and the supplements to Appendix VIII. The existing regulation specifies that the flaw depth sizing provisions in Subparagraph 3.2(a) of Supplement 4 to Appendix VIII are not applicable when using the flaw depth sizing provisions specified in § 50.55a(b)(2)(xv)(C)(*1*). This revision is needed to correct an oversight that the flaw depth sizing provisions in Subparagraph 3.2(c) of Supplement 4 to Appendix VIII also do not apply when using the flaw depth sizing provisions specified in § 50.55a(b)(2)(xv)(C)(*1*). Thus, the flaw depth sizing provisions in § 50.55a(b)(2)(xv)(C)(*1*) would be revised to also reference Subparagraph 3.2(c) of Supplement 4 to Appendix VIII.

The proposed amendment would revise the existing regulation in § 50.55a(b)(2)(xv)(J) to eliminate the authorization to use Code Case N–522. The regulation in § 50.55a(b)(2)(xv)(J) authorizes the use of Code Case N–552. The authorization of Code Case N–552 was added to Regulatory Guide 1.147, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' in Revision 13. Revision 13 to Regulatory Guide 1.147 was incorporated by reference into § 50.55a in a final rule dated July 8, 2003 (68 FR 40469). Thus, it is no longer necessary to authorize the use of Code Case N–552 in § 50.55a(b)(2)(xv)(J) because this code case is included in Regulatory Guide 1.147.

The proposed limitation, § 50.55a(b)(2)(xxiv), would prohibit the use of Appendix VIII and the supplements to Appendix VIII, and Article I–3000 in the 2002 and 2003 Addenda of Section XI of the ASME BPV Code. The elements of the Performance Demonstration Initiative (PDI) program was added to Appendix VIII and its supplements in the 2002 Addenda of Section XI of the ASME BPV Code. The PDI is an organization formed for the purpose of developing efficient, cost-effective, and technically sound ultrasonic (UT) performance demonstration methods to meet Appendix VIII requirements. The PDI program has evolved as programs were developed for each Appendix VIII supplement. Article I–3000, Examination Coverage, was also added in the 2002 Addenda to provide UT examination coverage criteria for certain welds.

The final rule dated September 22, 1999 (64 FR 51370), requires licensees to implement Appendix VIII and its supplements. The essential elements of the PDI program were added to the final rule as § 50.55a(b)(2)(xv). Section 50.55a(b)(2)(xv) also provides UT examination coverage criteria. Licensees are currently implementing Appendix VIII and its supplements in accordance with § 50.55a(b)(2)(xv). Although the NRC, ASME, and PDI have made considerable progress in the development of UT qualification and inspection requirements, the addition of the PDI program and UT examination coverage criteria into Section XI are not complete at this time. As a result, conflicts exist between the modifications in § 50.55a(b)(2)(xv), and the provisions in Appendix VIII and its supplements and Article I–3000 in the 2002 and 2003 Addenda of Section XI of the ASME BPV Code. Therefore, Appendix VIII and its supplements can not be implemented in accordance with § 50.55a(b)(2)(xv) when using the 2002 and 2003 Addenda. Consequently, the proposed rule prohibits the use of Appendix VIII and its supplements and Article I–3000 beyond the 2001 Edition. The NRC plans to endorse Appendix VIII and its supplements and Article I–3000 when the addition of the PDI program and the addition of UT examination coverage criteria into Section XI are complete.

10 CFR 50.55a(b)(xx)—System Leakage Test

The proposed amendment would revise the existing modification for system leakage tests in § 50.55a(b)(2)(xx) to limit its application to the 1997 Addenda through 2001 Addenda of Section XI, Division 1, of the ASME BPV Code. The modification in § 50.55a(b)(2)(xx) would not apply to the 2002 and 2003 Addenda of Section XI because the earlier Code provisions that this regulation was based on were revised in the 2002 Addenda of Section XI to address the underlying issues which led to the NRC to impose the modification of the ASME Code provisions. The system leakage test provisions in IWA–5213(a) were revised in the 2002 Addenda of Section XI and are equivalent to the existing requirements in § 50.55a(b)(2)(xx).

10 CFR 50.55a(b)(2)(xxii)—Surface Examinations

The proposed modification, § 50.55a(b)(2)(xxii), would prohibit the use of a new provision in IWA–2220. The provisions of Code Case N–615, ''Ultrasonic Examination as a Surface Examination Method for Category B–F and B–J piping Welds,'' were incorporated into IWA–2220 in the 2001 Edition of Section XI of the ASME BPV Code. Code Case N–615 and IWA–2220 (2001 Edition and the 2002 and 2003 Addenda) allow a surface examination to be conducted using a UT examination method. The UT examination is conducted from the inside surface of certain piping welds. Other allowable surface examination methods (magnetic particle or liquid penetrant) are conducted from the outside surface of certain piping welds. The purpose of the these surface examinations is to identify flaws in the outer surface of the weld. The NRC disallowed the use of Code Case N–615 and is proposing to prohibit the use of the same type of UT examination specified in IWA–2220 because there are no provisions in Section XI that address qualification requirements and performance demonstration criteria and requirements to ensure proper consideration of flaws in the outer surface of a piping weld when conducting a UT examination from the inside surface of the piping weld.

10 CFR 50.55a(b)(2)(xxiii)—IWA–4461.4.2 Evaluation of Thermally Cut Surfaces

The proposed modification, 50.55a(b)(2)(xxiii), would supplement the use of the new provisions in IWA–4461.4.2 to require that the tests and

inspections and the analysis specified in IWA–4461.4.2(a)(1) through (5) be considered by an evaluation. Subsection IWA–4461.4.2 was added in the 2001 Edition to allow the elimination of mechanical processing of a thermally cut surface when, due to field conditions, mechanical processing is deemed impractical. Thermal cutting is a process for removing metal from a weld or base metal. Thermal cutting includes processes such as oxy-acetylene cutting, plasma-arc cutting, laser-beam cutting, and air-carbon arc gouging. These processes can leave cracks, stress risers, very rough surfaces, or heavy oxidation on the cut surface that can seriously degrade the material toughness or corrosion resistance of the material or leave large residual stresses in the material. If the thermally disturbed surface is not mechanically processed, such as, grinding, machining, or filing, or properly evaluated, these defects could be incorporated into the final weld, possibly compromising the integrity and quality of the weld.

The provisions in IWA–4461.4.2 allow the elimination of mechanical processing of thermally cut surfaces provided that the tests and inspections and the analysis specified in IWA–4461.4.2(a)(1) through (5) are considered by an evaluation. It is unclear if Code provisions that state that specific items that must be considered by evaluation are intended to be mandatory or optional requirements. The provisions specified in IWA–4461.4.2(a)(1) through (5) specify the appropriate tests and inspections and analysis for eliminating the mechanical processing of thermally cut surfaces provided that all these actions are performed. These actions are necessary to ensure proper evaluation of cracks, stress risers, oxidation, or other contamination of cut surfaces that could exist in the final weld which would seriously degrade the material toughness or corrosion resistance of the material. Therefore, proposed paragraph (b)(2)(xxiii) would explicitly require that the tests and inspections, and the analysis specified in IWA–4461.4.2(a)(1) through (5) be performed whenever a thermally cut surface is not mechanically processed.

10 CFR 50.55a(b)(2)(xxv)—Mitigation of Flaws

The proposed modification, § 50.55a(b)(2)(xxv), would prohibit the use of the provisions in IWA–4340 when using the 2001 Edition and the 2002 and 2003 Addenda of Section XI of the ASME BPV Code. IWA–4340 was added in the 2000 Addenda to provide requirements for the mitigation of defects by ''modification.'' Paragraph IWA–4340 allows a defect to remain in a component provided that the defect can be eliminated from the pressure boundary by ''modification.''

The scope of the activity envisioned or permitted by this subsubarticle is not clear. The subsubarticle does not provide limitations on the applicability of its provisions to specific ASME Classes or components. As written, this provision could be used in applications with widely varying safety significance and levels of difficulty in implementation, ranging from the elimination of a defect in a Class 1 item or component, such as a penetration of the lower head of the reactor vessel to the encapsulation of a defect on a straight section of Class 3 moderate energy piping. IWA–4340 has no prohibition on the number of times it can be used to mitigate the same defect. Therefore, if the flaw propagated ''beyond the limits of the modification'' implemented under the provisions of IWA–4340, a licensee could, for example, encapsulate the previous modification with another larger modification. This could result in unusual and unforeseeable design configurations.

IWA–4520(b)(2) exempts piping, pump and valve welding or brazing that does not penetrate the pressure boundary from any pressure test. Since the modification to mitigate the defect will become the new pressure boundary and the modification may be attached to the pressure boundary by welds that do not penetrate the pressure boundary, pressure testing may not be required. The NRC does not accept the elimination of pressure testing requirements for a modification that will function as a pressure boundary.

Since this subsubarticle does not provide specificity for the types of modifications or limitations on the applicability of its provisions to specific ASME Classes or items, the NRC is unable to determine whether the ''modifications'' under the provisions of this paragraph would maintain safety and ensure the protection of public health and safety.

IWA–4340(c) requires that each licensee define the successive examinations to be performed after the completion of the ''modification.'' As currently stated, the purpose of the successive examinations is to monitor the flaw to detect propagation of the flaw beyond the limits of the modification and, when practicable, to validate the projected growth. The terminology ''beyond the limits of the modification'' needs to be more specifically defined. For example, it is not clear by these words if a flaw would be permitted to propagate outside the physical boundary of the ''modification'' if it had not reached the level of a defect. The NRC also does not agree with the inclusion of the ''when practicable'' limitation in IWA–4340(c). The flaw propagation must be validated to accurately predict when, or if, the flaw will become unacceptable. IWA–4340(c), as written, does not require that a licensee's examination program predict propagation of the flaw such that the licensee would be able to identify, in advance, a flaw that is expected to propagate outside the area physically modified such that corrective action could be taken. In IWA–4340, each licensee would be responsible for determining the method and frequency of examinations to be performed. In addition, each licensee would be permitted to define the acceptance criteria for these examinations. The ASME Code currently contains rules for successive examination of flaws left in service, as addressed in IWB–2420, and requirements for that more stringent examinations for defects left in service. However, IWA–4340(c) does not define an examination process which would require examinations at a frequency, based on flaw propagation rate, that would require a licensee to identify in advance when a flaw is projected to propagate outside the physical configuration of the ''modification.'' Therefore, the NRC is unable to determine whether the examinations and acceptance criteria prepared by each licensee under the provisions of this paragraph would ensure the protection of public health and safety because the acceptance limits specified as ''beyond the limits of the modification'' are ambiguous. Furthermore, the provisions of IWA–4340(c) could result in inconsistent examination requirements and acceptance criteria being applied at different facilities for the same type of mitigating action.

For the reasons stated above, the NRC is proposing to prohibit the use of IWA–4340 when using the 2001 Edition and the 2002 and 2003 Addenda.

10 CFR 50.55a(b)(2)(xxvi)—Pressure Testing Mechanical Joints

The proposed modification, 10 CFR 50.55a(b)(2)(xxvi), would supplement the test provisions in IWA–4540 of the 2001 Edition and the 2002 and 2003 Addenda of Section XI of the ASME BPV Code to require that Class 1, 2, and 3 mechanical joints be pressure tested in accordance with IWA–4540(c) of the 1998 Edition of Section XI. The requirements to pressure test Class 1, 2, and 3 mechanical joints undergoing

repair and replacement activities were deleted in the 1999 Addenda of Section XI. Therefore, pressure testing of mechanical joints is no longer required by Section XI when performing IWA–4000 repair and replacement activities. The NRC is proposing to retain the pressure and testing requirements in IWA–4540(c) of the 1998 Edition when using the 2001 Edition through 2003 Addenda because there is no justification for eliminating the requirements for pressure testing Class 1, 2, and 3 mechanical joints. Pressure testing of mechanical joints affected by repair and replacement activities is necessary to ensure and verify structural and leakage integrity of the pressure boundary. The NRC is requesting that comments on the proposed rule provide additional information that can be used to justify the elimination of the pressure tests requirements in IWA–4540(c) of the 1998 Edition of Section XI.

10 CFR 50.55a(b)(2)(xxvii)—Removal of Insulation

The proposed modification, § 50.55a(b)(2)(xxvii), would supplement a new provision in IWA–5242(a) to require that insulation be removed when conducting visual examinations on bolting susceptible to stress corrosion cracking. The purpose of the provisions in IWA–5242 is to periodically examine bolted connections for evidence of boric acid leakage. The 17–4 PH stainless steels and the 410 stainless steels installed in borated systems are susceptible to stress corrosion cracking when aged at a temperature below 1100 °F or have a hardness above R_c 30. A–286 stainless steel studs or bolts are also susceptible to stress corrosion cracking when preloaded to 100,000 pounds per square inch or higher. Thus, the insulation must be removed to visually examine these bolting materials. Code Case N–616, ''Alternative Requirements for VT–2 Visual Examination of Classes 1, 2, and 3 Insulated Pressure Retaining Bolted Connections Section XI, Division 1,'' included, among other things, a provision allowing that bolted material to be examined without removing the insulation, which could prevent identification of signs of degraded bolting and boric acid leakage. Code Case N–616 and IWA–5242(a) (2003 Addenda) allow periodic VT–2 examinations be performed without having to remove insulation from corrosion resistant bolting that has a chromium content greater than or equal to 10 percent installed in borated systems. The NRC conditionally accepted the use of Code Case N–616, by requiring that insulation must be removed to examine 17–4 PH stainless steel or 410 stainless steel studs or bolts aged at a temperature below 1100 °F or with a hardness above R_c 30; and A–286 stainless steel studs or bolts preloaded to 100,000 pounds per square inch or higher. The proposed modification in (b)(2)(xvii) would impose the same examination requirements on IWA–5245(a). Code Case N–616 was ultimately incorporated into IWA–5242(a) in the 2003 Addenda of Section XI of the ASME BPV Code.

10 CFR 50.55a(b)(2)(xxviii)—Reconciliation of Quality Assurance Requirements

The proposed modification, § 50.55a(b)(2)(xxviii), would supplement a new provision in IWA–4226.1 to require that repair/replacement components be manufactured, procured, and controlled as safety-related under a quality assurance program meeting the requirements of Appendix B to 10 CFR Part 50. The purpose of IWA–4226.1 (2003 Addenda) and Code Case N–554–2, ''Alternative Requirements for Reconciliation of Replacement Items and Addition of New Systems, Section XI, Division 1,'' is to provide requirements for reconciling design requirements when using later editions of a construction code or Section III. However, IWA–4226.1 and Code Case N–554–2 do not require reconciliation of the quality assurance requirements for certification, Code symbol stamping, data reports, and authorized Inspection. For example, a component manufactured in a commercial shop that does not have a quality assurance program could be used in a safety-related application without having to reconcile quality assurance requirements. The NRC conditionally accepted the use of Code Case N–554–2, by requiring that repair/replacement components be manufactured, procured, and controlled as safety-related under a quality assurance program meeting the requirements of Appendix B to 10 CFR Part 50. The proposed modification in (b)(2)(xviii) would impose the same quality assurance requirements on IWA–4226.1.

2.3 ASME OM Code

The proposed revision to § 50.55a(b)(3) would incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of the ASME OM Code.

The proposed amendment would revise the existing modifications and limitations for quality assurance, motor-operated valve testing, Subsection ISTD, and exercise interval for manual valves in §§ 50.55a(b)(3)(i), 50.55a(b)(3)(ii), 50.55a(b)(3)(v), and 50.55a(b)(3)(vi), respectively, to apply to the 2001 Edition through 2003 Addenda of the ASME OM Code. The modifications and limitations in §§ 50.55a(b)(3)(i), 50.55a(b)(3)(ii), 50.55a(b)(3)(v), and 50.55a(b)(3)(vi) would continue to apply to the 2001 Edition through 2003 Addenda of ASME OM Code because the earlier Code provisions that these regulations are based on were not revised in the 2001 through 2003 Addenda of the ASME OM Code to address the underlying issues which led to the NRC to impose the modifications and limitations on the ASME Code provisions.

10 CFR 50.55a(b)(3)(i)—Quality Assurance

The proposed amendment would revise the existing quality assurance requirements in § 50.55a(b)(3)(i) to state that ISTA–1500 is applicable when using the 1998 Edition and later editions and addenda of the ASME OM Code. Subsections of the ASME OM Code were renumbered in the 1998 Edition; therefore, § 50.55a(b)(3)(i) would be revised to account for the renumbering. The proposed revision does not change requirements in a substantive manner.

10 CFR 50.55a(b)(3)(iii)—Code Case OMN–1

The proposed amendment would revise § 50.55a(b)(3)(iii) to eliminate the authorization to use Code Case OMN–1. The existing regulation in § 50.55a(b)(3)(iii) authorizes the use of Code Case OMN–1. Code Case OMN–1 is now authorized by Regulatory Guide 1.192, ''Operation and Maintenance Code Case Acceptability, ASME OM Code.'' Regulatory Guide 1.192 was incorporated by reference into § 50.55a in a final rule dated July 8, 2003 (68 FR 40469). Thus, it is no longer necessary to authorize the use of Code Case OMN–1 in § 50.55a(b)(3)(iii) because this code case is now included in Regulatory Guide 1.192.

10 CFR 50.55a(b)(3)(iv)—Check Valve Monitoring Program

The proposed amendment would revise the existing modification for the check valve monitoring program in § 50.55a(b)(3)(iv) to limit its application to the 1995 edition through 2002 Addenda of the ASME OM Code. The modification in § 50.55a(b)(3)(iv) would not apply to the 2003 Addenda of the ASME OM Code because the earlier Code provisions that this regulation was based on were revised in the 2003 Addenda of the ASME OM Code to

address the underlying issues which led to the NRC to impose the modification of the ASME Code provisions. The check valve monitoring program requirements in Appendix II of the 2003 Addenda of the ASME OM Code are equivalent to the check valve monitoring program requirements in § 50.55a(b)(3)(iv).

3. Section-by-Section Analysis

Paragraph (b)(1). This paragraph would require new applicants for a nuclear power plant submitting an application for a construction permit under 10 CFR part 50 or design certification under 10 CFR part 52 after the effective date of this rule, to use the 2001 Edition and the 2002 and 2003 Addenda of Section III, Division 1, of the ASME BPV Code for the design and construction of the reactor coolant pressure boundary and Quality Group B and C components. This paragraph would also require that existing modifications and limitations for weld leg dimensions and independence of inspection in §§ 50.55a(b)(1)(ii) and 50.55a(b)(1)(v), respectively, apply to the 2001 Edition through 2003 Addenda of Section III, Division 1, of the ASME BPV Code.

Paragraph 50.55a(b)(1)(iii). This paragraph would specify that the existing limitation for seismic design in § 50.55a(b)(1)(iii) applies only to the 1994 Addenda through 2000 Addenda of Section III, Division 1, of the ASME BPV Code. It would not apply to the 2001 Edition and 2002 and 2003 Addenda.

Paragraph 50.55a(b)(1)(vi). This paragraph would allow the use of the alternative method for evaluating reversing dynamic building filtered loads and seismic loads in the 2001 Edition and the 2002 and 2003 Addenda of Section III Division 1, of the ASME BPV Code subject to modifications and limitations. Paragraph (b)(1)(vi)(A) would disallow the use of the alternative method for evaluating reversing dynamic loads for piping subject to loads generated by reflected waves caused by flow transients in NB–3200, NB–3600, NC–3600, and ND–3600. Paragraph (b)(1)(vi)(B) would disallow the use of the alternative provisions for performing an inelastic analysis for evaluating reversing dynamic loads in NB–3228.6. Paragraph (b)(1)(vi)(C) would disallow the use of the equation for evaluating reversing dynamic loads from other design basis loadings for Level A and B service limits in NC–3653.2(d) and ND–3653.2(d). Paragraph (b)(1)(vi)(D) would disallow the use of Appendix N in applications when Appendix N linear elastic response spectrum analysis provisions are less conservative than licensing basis linear elastic response spectrum analysis provisions. Paragraph (b)(1)(vi)(E) would disallow the use of the B_2' stress indices specified in ND–3655(b)(3), and require that the allowable B_2' stress indices specified in NB–3656(b)(3) and NC–3655(b)(3) be used instead of the allowable B_2' stress indices specified in ND–3655(b)(3). Paragraph (b)(1)(vi)(F) would allow the use of an allowable stress limit of $6S_M$ in the evaluation of the range of resultant moment only when it is demonstrated that the global piping system response to the anchor movement does not create significant inelastic strain concentrations when using the provisions in NB–3656(b)(4), NC–3655(b)(4), and ND–3655(b)(4). A demonstration that the anchor movement does not create significant inelastic strain concentrations would not be required if an allowable stress limit of $3S_M$ is used instead of $6S_M$ in the evaluation of the range of resultant moment.

Paragraph 50.55a(b)(1)(vii). This paragraph would not approve the use of Subsection NH of the 2001 Edition and 2002 and 2003 Addenda of Section III, and also withdraw the prior NRC approval of Subsection NH of the 1995 through 2000 Addenda of Section III. Future reactor designs may not employ the special design methodologies for high temperatures described in Subsection NH absent specific approval by the NRC.

Paragraph (b)(2). This paragraph would require licensees of nuclear power plants to use the 2001 Edition and the 2002 and 2003 Addenda of Section XI, Division 1, of the ASME BPV Code when updating their inservice inspection programs in their subsequent 120-month interval under § 50.55a(g)(4)(ii). Existing modifications and limitations for quality assurance, Class 1 piping, underwater welding, reconciliation of quality requirements, certification of nondestructive examination personnel, substitution of alternative method, and Table IWB–2500–1 examination requirements in §§ 50.55a(b)(2)(x), 50.55a(b)(2)(xi), 50.55a(b)(2)(xii), 50.55a(b)(2)(xvii), 50.55a(b)(2)(xviii), 50.55a(b)(2)(xix), and 50.55a(b)(2)(xxi), respectively, would apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code. This paragraph would also add Footnote 10 which states that enhanced reactor pressure vessel head inspections have been imposed by order at pressurized water reactors, and that the NRC will determine the need for supplemental inspection requirements to be imposed through rulemaking.

Paragraph (b)(2)(viii). This paragraph would require that the existing modification for examination of concrete containments in § 50.55a(b)(2)(viii) apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code, and that a new modification, § 50.55a(b)(2)(viii)(G), apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code.

Paragraph (b)(2)(viii)(G). This new paragraph would require that corrosion protection medium be restored in accordance with the quality assurance program requirements specified in IWA–1400 following IWL–4000 repair and replacement activities conducted on concrete containment post-tensioning systems when using the 2001 Edition through 2003 Addenda of Section XI.

Paragraph (b)(2)(ix). This paragraph would require that the existing modification for examination of metal containments and the liners of concrete containments in § 50.55a(b)(2)(ix) apply to the 2001 Edition through 2003 Addenda of Section XI, Division 1, of the ASME BPV Code with the exception that the visual examination requirements specified in the existing modification § 50.55a(b)(2)(ix)(B) would not apply to the 2003 Addenda of Section XI.

Paragraph (b)(2)(xiii). This paragraph would eliminate the authorization of Code Case N–513.

Paragraph (b)(2)(xiv). The paragraph would require that the existing modification for Appendix VIII personnel qualification in § 50.55a(b)(2)(xiv) apply to the 2001 Edition through 2003 Addenda of Section IX, Division 1, of the ASME BPV Code. The paragraph would also correct an oversight by clarifying that the annual practice requirements in VII–4240 of Appendix VII of Section XI may be used.

Paragraph (b)(2)(xv). This paragraph would require the existing modification for Appendix VIII specimen set and qualification requirements in § 50.55a(b)(2)(xv) to apply to the 2001 Edition of Section XI, Division 1, of the ASME BPV Code.

Paragraph (b)(2)(xv)(C)(1). This paragraph would specify that the flaw depth sizing provisions in Subparagraph 3.2(c) of Supplement 4 to Appendix VIII are not applicable when Appendix VIII is implemented in accordance with the provisions in § 50.55a(b)(2)(xv).

Paragraph (b)(2)(xv)(J). The paragraph would eliminate the authorization of

Code Case N–552. Paragraph (b)(2)(xv)(J) would be reserved for future use.

Paragraph (b)(2)(xx). This paragraph would limit the existing modification for system leakage tests in § 50.55a(b)(2)(xx) to apply to the 1997 Addenda through 2001 Addenda of Section XI, Division 1, of the ASME BPV Code.

Paragraph (b)(2)(xxii). This new paragraph would prohibit the use of IWA–2220 of Section XI, 2001 Edition and the 2002 and 2003 Addenda, which allows the performance of a surface examination using an ultrasonic examination method. Licensees would be required to continue to conduct surface examinations using a magnetic particle, liquid penetrant, or eddy current method.

Paragraph (b)(2)(xxiii). This new paragraph would require that the tests and inspections and the analysis specified in IWA–4461.4.2(a)(1) through (5) be considered by an evaluation when the mechanical processing of thermally cut surfaces is eliminated in accordance with IWA–4461.4.2 of Section XI, 2001 Edition and the 2002 and 2003 Addenda.

Paragraph (b)(2)(xxiv). This new paragraph would prohibit the use of Appendix VIII and the supplements to Appendix VIII and Article I–3000 of the 2002 and 2003 Addenda of Section XI of the ASME BPV Code. Licensees would be required to implement Appendix VIII and its supplements in accordance with either the 1995 through 2001 Edition of Section XI, or the alternative provided in paragraph (b)(2)(xv).

Paragraph (b)(2)(xxv). This new paragraph would prohibit the use of IWA–4340 of Section XI of the ASME BPV Code, 2001 Edition and the 2002 and 2003 Addenda, that allows the mitigation of defects by modification.

Paragraph (b)(2)(xxvi). This new paragraph would require that the Class 1, 2, and 3 mechanical joint pressure and test provisions in IWA–4540(c) of the 1998 Edition of Section XI of the ASME BPV Code be used when repair and replacement activities are conducted in accordance with the 2001 Edition and the 2002 and 2003 Addenda of Section XI of the ASME BPV Code.

Paragraph (b)(2)(xxvii). This new paragraph would require that the insulation be removed from 17–4 PH or 410 stainless steel studs or bolts aged at a temperature below 1100°F or having a hardness above R_c 30, and from A–286 stainless steel studs or bolts preloaded to 100,000 pounds per square inch or higher when performing visual examinations in accordance with IWA–5242 of the 2003 Addenda of Section XI of the ASME BPV Code.

Paragraph (b)(2)(xxviii). This new paragraph would require that repair/replacement components be manufactured, procured, and controlled as safety-related under a quality assurance program meeting the requirements of Appendix B to 10 CFR part 50 when using IWA–4226.1 of the 2003 Addenda of Section XI of the ASME BPV Code.

Paragraph (b)(3). This paragraph would require licensees of nuclear power plants to use the 2001 Edition and the 2002 and 2003 Addenda of the ASME OM Code when updating their inservice test programs in their subsequent 120-month inspection intervals under § 50.55a(f)(4)(ii). This paragraph would also require the existing modifications and limitations for quality assurance, motor-operated valve testing, Subsection ISTD, and exercise interval for manual valves in §§ 50.55a(b)(3)(i), 50.55a(b)(3)(ii), 50.55a(b)(3)(v), and 50.55a(b)(3)(vi), respectively, to apply to the 2001 Edition through 2003 Addenda of the ASME OM Code.

Paragraph 50.55a(b)(3)(i). This paragraph would reconcile the different subsection and paragraph numbers of the ASME OM Code that were renumbered in the 1998 Edition and subsequent editions and addenda. There are no substantive changes in this paragraph.

Paragraph (b)(3)(iii). This paragraph rule would eliminate the authorization Code Case OMN–1. Paragraph (b)(3)(iii) would be reserved for future use.

Paragraph (b)(3)(iv). This paragraph would limit the existing modification for the check valve monitoring program in § 50.55a(b)(3)(iv) to apply to the 1995 edition through 2002 Addenda of the ASME OM Code.

4. Generic Aging Lessons Learned Report

In July 2001, the NRC issued ''Generic Aging Lessons Learned (GALL) Report,'' NUREG–1801, Volumes 1 and 2, for use by applicants in preparing their license renewal applications. The GALL report evaluates existing generic programs, documents the bases for determining when generic existing programs are adequate without change, and documents when generic existing programs should be augmented for license renewal. Section XI, Division 1, of the ASME BPV Code is one of the generic existing programs in the GALL report that is evaluated as an aging management program (AMP) for license renewal. Subsections IWB, IWC, IWD, IWF, IWE, and IWL of the 1995 Edition up to and including the 1996 Addenda of Section XI of the ASME BPV Code for inservice inspection were evaluated in the GALL report and the conclusions in the GALL report are valid for these edition and addenda.

In the GALL report Sections XI.M1, ''ASME Section XI Inservice Inspection, Subsections IWB, IWC, and IWD,'' XI.S1, ''ASME Section XI, Subsection IWE,'' XI.S2, ''ASME Section XI, Subsection IWL,'' and XI.S3, ''ASME Section XI, Subsection IWF,'' describe the evaluation and technical bases for determining the adequacy of Subsections IWB, IWC, IWD, IWE, IWL, and IWF, respectively. In addition, many other AMPs in the GALL report rely in part, but to a lesser degree, on the requirements in the ASME Code, Section XI (*i.e.*, XI.M3, XI.M4, XI.M5, XI.M6, XI.M7, XI.M8, XI.M9, XI.M11, XI.M12, XI.M13, XI.M14, XI.M15, XI.M16, XI.M18, XI.M24, XI.M25, and XI.M32).

The NRC has completed an evaluation of Subsections IWB, IWC, IWD, IWE, IWF, and IWL of Section XI of the ASME BPV Code (2001 Edition and the 2002 and 2003 Addenda) as part of the § 50.55a amendment process to determine if the conclusions of the Gall Report are also applicable for AMPs that rely upon the ASME Codes edition and addenda which are proposed to be incorporated by reference into § 50.55a by this proposed rule. NRC finds that the 2001 Edition and 2002 and 2003 Addenda of Sections III and XI of the ASME BPV Code are acceptable and the conclusions of the GALL report remain valid. Accordingly, an applicant may use Subsections IWB, IWC, IWD, IWE, IWF, and IWL of Section XI of the ASME BPV Code (2001 Edition and the 2002 and 2003 Addenda) as acceptable alternatives to the requirements of the 1995 Edition up to and including the 1996 Addenda of the ASME Code, Section XI, referenced in the GALL AMPs without the need to submit these alternatives for NRC review in its plant-specific license renewal application. Similarly, a licensee approved for license renewal that relied on the GALL AMPs may use Subsections IWB, IWC, IWD, IWE, IWF, and IWL of Section XI of the ASME BPV Code (2001 Edition and the 2002 and 2003 Addenda) as acceptable alternatives to the AMPs described in the GALL report. However, a licensee must assess and follow applicable NRC requirements with regard to changes to its licensing basis.

The GALL report identified areas of the 1995 Edition with the 1996 Addenda of Section XI of the ASME Code that require augmentation for license renewal. A license renewal

applicant may either augment their AMPs in these areas as described in the GALL report or propose alternatives for NRC review in its plant-specific license renewal application. The GALL report's conclusions with respect to augmentation in connection with a license renewal application also apply when implementing the 2001 Edition and the 2002 and 2003 Addenda of Section XI of the ASME Code.

5. Availability of Documents

The NRC is making the documents identified below available to interested persons through one or more of the following methods as indicated.

Public Document Room (PDR). The NRC Public Document Room is located at 11555 Rockville Pike, Rockville, Maryland.

Rulemaking Web site (Web). The NRC's interactive rulemaking Web site is located at *http://ruleforum.llnl.gov.* These documents may be viewed and downloaded electronically via this Web site.

NRC's Public Electronic Reading Room (PERR). The NRC's public electronic reading room is located at *http://www.nrc.gov/reading-rm/adams.html.*

NRC Staff Contact. Single copies of the proposed **Federal Register** Notice, proposed Regulatory Analysis, and proposed Environmental Assessment can be obtained from Stephen Tingen, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001. Alternatively, you may contact Mr. Tingen at (301) 415–1280, or via e-mail at: *sgt@nrc.gov.*

Document	PDR	Web	PERR	NRC staff
Order EA–03–009	X	X	ML 030380470	X
SECY–03–0078	X	X	ML 030700408	X
Proposed FEDERAL REGISTER Notice	X	X	ML 031740349	X
Proposed Regulatory Analysis	X	X	ML 031740373	X
Proposed Environmental Assessment	X	X	ML 031740388	X

6. Plain Language

The Presidential memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the Federal government's writing must be in plain language. This memorandum was published on June 10, 1998 (63 FR 31883). The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the **ADDRESSES** caption above.

7. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires 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 is otherwise impractical. Public Law 104–113 requires Federal agencies to use industry consensus standards to the extent practical, it does not require Federal agencies to endorse a standard in its entirety. The law does not prohibit an agency from generally adopting a voluntary consensus standard while taking exception to specific portions of the standard if those provisions are deemed to be ''inconsistent with applicable law or otherwise impractical.'' Furthermore, taking specific exceptions furthers the Congressional intent of Federal reliance on voluntary consensus standards because it allows the adoption of substantial portions of consensus standards without the need to reject the standards in their entirety because of limited provisions which are not acceptable to the agency.

The NRC is proposing to amend its regulations to incorporate by reference a more recent edition and addenda of Sections III and XI of the ASME BPV Code and ASME OM Code, for construction, inservice inspection, and inservice testing of nuclear power plant components. ASME BPV and OM Codes are national consensus standards developed by participants with broad and varied interests, in which all interested parties (including the NRC and licensees of nuclear power plants) participate. In a staff requirements memorandum dated September 10, 1999, the Commission indicated its intent that a rulemaking identify all portions of an adopted voluntary consensus standard which are not adopted and to provide a justification for not adopting such portions. The portions of the ASME BPV Code and OM Code which the NRC proposes not to adopt, or to partially adopt, are identified in Section 2 of the preceding section and the draft regulatory analysis. The justification for not adopting portions of the ASME BPV Code, as set forth in these statements of consideration and the draft regulatory analysis for this proposed rule, satisfy the requirements of Section 12(d)(3) of Pub. L. 104–113, Office of Management and Budget (OMB) Circular A–119, and the Commission's direction in the staff requirements memorandum dated September 10, 1999.

In accordance with the National Technology Transfer and Advancement Act of 1995 and OMB Circular A–119, the NRC is requesting public comment regarding whether other national or international consensus standards could be endorsed as an alternative to the ASME BPV Code and the ASME OM Code.

8. Finding of No Significant Environmental Impact: Availability

The Commission has determined, under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and therefore, an environmental impact statement is not required.

The proposed rulemaking will not significantly increase the probability or consequences of accidents; no changes are being made in the types of effluents that may be released off-site; there is no increase in occupational exposure; and there is no significant increase in public radiation exposure. Therefore, there are no significant radiological impacts associated with the proposed action. The proposed rulemaking does not involve non-radiological plant effluents and has no other environmental impact. Therefore, no significant non-radiological impacts are associated with the proposed action.

The determination of this draft environmental assessment is that there will be no significant off-site impact to the public from this action. However, the NRC is seeking public comment of the draft environmental assessment. Section 5 of this notice describes how to obtain a copy of the draft environmental assessment. Comments may be submitted to the NRC as indicated under the **ADDRESSES** heading.

The NRC has sent a copy of the draft environmental assessment and this proposed rule to every State Liaison Officer and requested their comments on the environmental assessment.

9. Paperwork Reduction Act Statement

This proposed rule decreases the burden on licensees for recordkeeping requirements related to examinations, tests, and repair and replacement activities. The industry annual public burden reduction for this information collection is estimated at 713 hours. Because the burden reduction for this information collection is insignificant, Office of Management and Budget (OMB) clearance is not required. Existing requirements were approved by the OMB, approval number 3150–0011.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information collection or an information collection requirement unless the requesting document displays a currently valid OMB control number.

10. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed rule. The draft analysis is available for review in the NRC's Public Document Room, located in One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Section 5 of this notice describes how to obtain a copy of the draft regulatory analysis. The Commission requests public comment on the draft analysis and comments may be submitted to the NRC as indicated under the **ADDRESSES** heading.

11. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this proposed amendment will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed amendment affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the Small Business Size Standards set forth in regulations issued by the Small Business Administration at 13 CFR part 121.

12. Backfit Analysis

The NRC's Backfit Rule in 10 CFR 50.109 states that the Commission shall require the backfitting of a facility only when it finds the action to be justified under specific standards stated in the rule. Section 50.109(a)(1) defines backfitting as the modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct or operate a facility; any of which may result from a new or amended provision in the Commission rules or the imposition of a regulatory staff position interpreting the Commission rules that is either new or different from a previously applicable staff position after issuance of the construction permit or the operating license or the design approval.

Section 50.55a requires nuclear power plant licensees to construct ASME BPV Code Class 1, 2, and 3 components in accordance with the rules provided in Section III, Division 1, of the ASME BPV Code; inspect Class 1, 2, 3, Class MC, and Class CC components in accordance with the rules provided in Section XI, Division 1, of the ASME BPV Code; and test Class 1, 2, and 3 pumps and valves in accordance with the rules provided in the ASME OM Code. This proposed rule would incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of Section III, Division 1, of the ASME BPV Code; Section XI, Division 1, of the ASME BPV Code; and the ASME OM Code.

Incorporation by reference of more recent editions and addenda of Section III, Division 1, of the ASME BPV Code does not affect a plant that has received a construction permit or an operating license or a design that has been approved, because the edition and addenda to be used in constructing a plant are, by rule, determined on the basis of the date of the construction permit, and are not changed thereafter, except voluntarily by the licensee. Thus, incorporation by reference of a more recent edition and addenda of Section III, Division 1, does not constitute a ''backfitting'' as defined in § 50.109(a)(1).

Incorporation by reference of more recent editions and addenda of Section XI, Division 1, of the ASME BPV Code and the ASME OM Code affect the inservice inspection (ISI) and inservice testing (IST) programs of operating reactors. However, the Backfit Rule generally does not apply to incorporation by reference of later editions and addenda of the ASME BPV Code (Section XI) and OM Code. The NRC's longstanding policy has been to incorporate later versions of the ASME Codes into its regulations. This is codified in § 50.55a which requires licensees to revise their ISI and IST programs every 120 months to the latest edition and addenda of Section XI of the ASME BPV Code and the ASME OM Code incorporated by reference into § 50.55a that is in effect 12 months prior to the start of a new 120-month ISI and IST interval. Thus, when the NRC endorses a later version of the Code, it is implementing this longstanding policy and requirement.

Other circumstances where the NRC does not apply the Backfit Rule to the endorsement of a later Code are as follows—

(1) When the NRC takes exception to a later ASME BPV Code or OM Code provision but merely retains the current existing requirement, prohibits the use of the later Code provision, limits the use of the later Code provision, or supplements the provisions in a later Code, the Backfit Rule does not apply because the NRC is not imposing new requirements. However, the NRC explains any such exceptions to the Code in the Statement of Considerations and regulatory analysis for the rule. Exceptions in this proposed rule either retain current existing requirements, prohibit the use of the later Code provision, limit the use of the later Code provision, or supplement the provisions in a later Code.

(2) When an NRC exception relaxes an existing ASME BPV Code or OM Code provision but does not prohibit a licensee from using the existing Code provision the Backfit Rule does not apply because the NRC is not imposing new requirements. There are no such exceptions in this proposed rule.

(3) Modifications and limitations imposed during previous routine updates of § 50.55a have established a precedent for determining which modifications or limitations are backfits or require a backfit analysis (final rules dated August 6, 1992 (57 FR 34666), August 8, 1996 (61 FR 41303), September 22, 1999 (64 FR 51370), and September 26, 2002 (67 FR 60520)). The application of the backfit requirements to modifications and limitations in the current proposed rule are consistent with the application of backfit requirements to modifications and limitations in previous rules. Since the modifications and limitations in the current proposed rule are not considered backfits or do not require backfit analyses, the NRC is not required to demonstrate that the new modifications and limitations result in an increase in quality or safety.

There are some circumstances in which the endorsement of a later ASME BPV Code or OM Code introduces a backfit. In these cases, the NRC would perform a backfit analysis in accordance

with § 50.109. These include the following—

(1) When the NRC endorses a later provision of the ASME BPV Code or OM Code that takes a substantially different direction from the existing requirements, the action is treated as a backfit. An example was the NRC's initial endorsement of Subsections IWE and IWL of Section XI, which imposed containment inspection requirements on operating reactors for the first time. The final rule dated August 8, 1996 (61 FR 41303), incorporated by reference in § 50.55a the 1992 Edition with the 1992 Addenda of IWE and IWL of Section XI to require that containments be routinely inspected to detect defects that could compromise a containment's structural integrity. This action expanded the scope of § 50.55a to include components that were not considered by the existing regulations to be within the scope of ISI. Since those requirements involved a substantially different direction, they were treated as backfits, and justified in accordance with the standards of 10 CFR 50.109. There are no provisions in this proposed rule which impose requirements involving a substantially different direction than existing requirements.

(2) When the NRC requires implementation of later ASME BPV Code or OM Code provision on an expedited basis, the action is treated as a backfit. This applies when implementation is required sooner than it would be required if the NRC simply endorsed the Code without any expedited language. An example was the final rule dated September 22, 1999 (64 FR 51370), which incorporated by reference the 1989 Addenda through the 1996 Addenda of Section III and Section XI of the ASME BPV Code, and the 1995 Edition with the 1996 Addenda of the ASME OM Code. The final rule expedited the implementation of the 1995 Edition with the 1996 Addenda of Appendix VIII of Section XI of the ASME BPV Code for qualification of personnel and procedures for performing ultrasonic examinations. The expedited implementation of Appendix VIII was considered a backfit because licensees were required to implement the new requirements in Appendix VIII prior to the next 120-month ISI program inspection interval update. Another example was the final rule dated August 6, 1992 (57 FR 34666), which incorporated by reference in § 50.55a the 1986 Addenda through the 1989 Edition of Section III and Section XI of the ASME BPV Code. The final rule added a requirement to expedite the implementation of the revised reactor vessel shell weld examinations in the 1989 Edition of Section XI. Imposing these examinations was considered a backfit because licensees were required to implement the examinations prior to the next 120-month ISI program inspection interval update. There are no provisions in this proposed rule which require expedited implementation.

(3) When the NRC takes an exception to a ASME BPV Code or OM Code provision and imposes a requirement that is substantially different from the existing requirement as well as substantially different than the later Code. An example was the adoption of dissimilar metal piping weld UT examination coverage requirements in the final rule dated September 26, 2002 (67 FR 60529) that incorporated by reference in § 50.55a the 1997 through 2000 Addenda of Section XI. Dissimilar metal piping weld examination coverage requirements, although contained in the 1989 Edition, and earlier editions and addenda of Section XI, are not addressed in 1989 Addenda and later editions and addenda of Section XI. Therefore, the addition of dissimilar metal piping weld examination coverage requirements to the regulation was necessary. There are no such provisions in this proposed rule.

10 CFR 50.55a(b)(1)(vii)—Subsection NH

The proposed modification, § 50.55a(b)(1)(b)(vii), would, among other things, withdraw the prior NRC approval of Subsection NH of the 1995 through 2000 Addenda of Section III of the ASME BPV Code. Subsection NH was added to Section III of the ASME BPV Code in the 1995 Addenda. At that time, the 1995 and 1996 Addenda of Subsection NH were inadvertently incorporated by reference in a final rule dated September 22, 1999 (64 FR 51370), and the 1997 through 2000 Addenda of Subsection NH were later inadvertently incorporated by reference in a final rule dated September 26, 2002 (67 FR 60520). The incorporation by reference of Subsection NH was inadvertent because the NRC was unaware that Subsection NH had been published in Section III and had not performed a technical review of the new subsection. Because the previous final rules that incorporated Subsection NH by reference affect only future combined license applicants and design certification applicants, and do not affect any existing licensees nor holders of design certificates, the backfit rule does not apply. The backfit rule was not intended to apply to every action which changes settled expectations. The backfit rule does not apply to rules that revise requirements for future combined license applicants and design certification applicants, even though such a rule may impact an applicant who was considering applying for a permit but had not done so yet. The backfit rule protects the permit holder, not the prospective applicant, or even the present applicant. For these reasons, the NRC concludes that the withdrawal of its approval of Subsection NH of the 1995 through 2000 Addenda of Section III does not constitute a backfit as defined in 10 CFR 50.109(a)(1), and a backfit analysis need not be prepared for this portion of the proposed amendment.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for part 50 continues to read as follows:

Authority: Secs 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844. sec. 50, 58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. Section 50.55a is amended by:

(a) Removing and reserving paragraphs (b)(2)(xv)(J) and (b)(3)(iii).

(b) Revising the introductory text of paragraph (b)(1), paragraph (b)(1)(iii), the introductory text of paragraph (b)(2), the introductory text of paragraphs (b)(2)(viii) and (b)(2)(ix), paragraph (b)(2)(xiii), paragraph (b)(2)(xiv), and the introductory text of paragraph (b)(2)(xv), paragraph (b)(2)(xv)(C)(*1*), paragraph (b)(2)(xx), the introductory text of paragraph (b)(3), paragraph (b)(3)(i), and the introductory text of paragraph (b)(3)(iv).

(c) Adding paragraphs (b)(1)(vi), (b)(1)(vii), (b)(2)(viii)(G), and (b)(2)(xxii) through (b)(2)(xxviii), and Footnote 10.

§ 50.55a Codes and standards.

* * * * *

(b) * * *

(1) As used in this section, references to Section III of the ASME Boiler and Pressure Vessel Code refer to Section III, and include the 1963 Edition through 1973 Winter Addenda, and the 1974 Edition (Division 1) through the 2003 Addenda (Division 1), subject to the following limitations and modifications:

* * * * *

(iii) *Seismic design*. Licensees may use Articles NB–3200, NB–3600, NC–3600, and ND–3600 up to and including the 1993 Addenda, subject to the limitation specified in paragraph (b)(1)(ii) of this section. Licensees may not use these Articles in the 1994 Addenda through 2000 Addenda.

* * * * *

(vi) *Piping design criteria for reversing dynamic loads*. Use of the alternative method for evaluating reversing dynamic loads in the 2001 Edition and the 2002 and 2003 Addenda is allowed subject to the following conditions:

(A) The application of the alternative method for evaluating reversing dynamic loads to calculations for piping subject to loads generated by reflected waves caused by flow transients as delineated in NB–3200, NB–3600, NC–3600, and ND–3600 is prohibited.

(B) The use of NB–3228.6 is prohibited.

(C) NC–3653.1 and NC–3653.2 must be used instead of NC–3653.2(d). ND–3653.1 and ND–3653.2 must be used instead of ND–3653.2(d). Analyses using NC–3653.1 and ND–3653.1 must include pressure and reversing dynamic loads that are not required to be combined with nonreversing dynamic loads, and the allowable B_2' stress indices defined in NC–3655(b)(3) may be used in these analyses. The anchor motions associated with reversing dynamic loads must be included as an anchor displacement in the definition of M_c when applying NC–3653.2 and ND–3653.2.

(D) When applying NB–3656(b)(3), NC–3655(b)(3), or ND–3655(b)(3), the linear elastic response spectrum analysis as defined by the licensing basis must be used whenever these provisions result in a more conservative calculation of M_E.

(E) The allowable B_2' stress indices specified in NB–3656(b)(3) and NC–3655(b)(3) must be used instead of the allowable B_2' stress indices specified in ND–3655(b)(3).

(F) The evaluation of anchor motions in NB–3656(b)(4), NC–3655(b)(4), and ND–3655(b)(4) must include a demonstration that the global piping system response to the anchor movement does not create inelastic strain concentrations. A demonstration that the global piping system response to the anchor movement does not create inelastic strain concentrations is not required if an allowable stress limit of $3S_M$ is used for the evaluation of the range of resultant moment.

(vii) *Subsection NH*. The provisions in Subsection NH, ''Class 1 Components in Elevated Temperature Service,'' 1995 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(1) of this section, are not approved for use.

(2) As used in this section, references to Section XI of the ASME Boiler and Pressure Vessel Code refer to Section XI, and include the 1970 Edition through the 1976 Winter Addenda, and the 1977 Edition (Division 1) through the 2003 Addenda (Division 1), subject to the following limitations and modifications:[10]

* * * * *

(viii) *Examination of concrete containments*. Licensees applying Subsection IWL, 1992 Edition with the 1992 Addenda, shall apply paragraphs (b)(2)(viii)(A) through (b)(2)(viii)(E) of this section. Licensees applying Subsection IWL, 1995 Edition with the 1996 Addenda, shall apply paragraphs (b)(2)(viii)(A), (b)(2)(viii)(D)(*3*), and (b)(2)(viii)(E) of this section. Licensees applying Subsection IWL, 1998 Edition through the 2000 Addenda shall apply paragraphs (b)(2)(viii)(E) and (b)(2)(viii)(F) of this section. Licensees applying Subsection IWL, 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, shall apply paragraphs (b)(2)(viii)(E) through (b)(2)(viii)(G) of this section.

* * * * *

(G) Corrosion protection material must be restored following concrete containment post-tensioning system repair and replacement activities in accordance with the quality assurance program requirements specified in IWA–1400.

(ix) *Examination of metal containments and the liners of concrete containments*. Licensees applying Subsection IWE, 1992 Edition with the 1992 Addenda, or the 1995 Edition with the 1996 Addenda, shall satisfy the requirements of paragraphs (b)(2)(ix)(A) through (b)(2)(ix)(E) of this section. Licensees applying Subsection IWE, 1998 Edition through the 2000 Addenda shall satisfy the requirements of paragraphs (b)(2)(ix)(A), (b)(2)(ix)(B), and (b)(2)(ix)(F) through (b)(2)(ix)(I) of this section. Licensees applying Subsection IWE, 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, shall satisfy the requirements of paragraphs (b)(2)(ix)(A) and (b)(2)(ix)(F) through (b)(2)(ix)(I) of this section.

* * * * *

(xiii) *Mechanical clamping devices.* Licensees may use the provisions of Code Case N–523–1, ''Mechanical Clamping Devices for Cass 2 and 3 Piping.'' Licensee choosing to apply Code Case N–523–1 shall apply all of its provisions.

(xiv) *Appendix VIII personnel qualification.* All personnel qualified for performing ultrasonic examinations in accordance with Appendix VIII shall receive 8 hours of annual hands-on training on specimens that contain cracks. Licensees applying the 1999 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section may use the annual practice requirements in VII–4240 of Appendix VII of Section XI in place of the 8 hours of annual hands-on training provided that the supplemental practice is performed on material or welds that contain cracks, or by analyzing prerecorded data from material or welds that contain cracks. In either case, training must be completed no earlier than 6 months prior to performing ultrasonic examinations at a licensee's facility.

(xv) *Appendix VIII specimen set and qualification requirements.* The following provisions may be used to modify implementation of Appendix VIII of Section XI, 1995 Edition through the 2001 Edition. Licensees choosing to apply these provisions shall apply all of the following provisions under this

paragraph except for those in § 50.55a(b)(2)(xv)(F) which are optional.

* * * * *

(C) * * *

(*1*) A depth sizing requirement of 0.15 inch RMS must be used in lieu of the requirements in Subparagraphs 3.2(a) and 3.2(c), and a length sizing requirement of 0.75 inch RMS must be used in lieu of the requirement in Subparagraph 3.2(b).

* * * * *

(J) [Reserved]

* * * * *

(xx) *System leakage tests.* When performing system leakage tests in accordance IWA–5213(a), 1997 Addenda through the 2001 Edition, a 10-minute hold time after attaining test pressure is required for Class 2 and Class 3 components that are not in use during normal operating conditions, and no hold time is required for the remaining Class 2 and Class 3 components provided that the system has been in operation for at least 4 hours for insulated components or 10 minutes for uninsulated components.

* * * * *

(xxii) *Surface Examinations.* The use of the provisions in IWA–2220, ''Surface Examination,'' of Section XI, 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, that allow the use of an ultrasonic examination method, is prohibited.

(xxiii) *Evaluation of Thermally Cut Surfaces.* The tests and inspections and the analysis specified in IWA–4461.4.2(a)(1) through (5) of the 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section must be performed whenever a thermally cut surface is not mechanically processed.

(xxiv) *Incorporation of the Performance Demonstration Initiative and Addition of Ultrasonic Examination Criteria.* The use of Appendix VIII and the supplements to Appendix VIII and Article I–3000 of Section XI of the ASME BPV Code, 2002 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, is prohibited.

(xxv) *Mitigation of Flaws.* The use of the provisions in IWA–4340, ''Mitigation of Defects by Modification,'' of Section XI, 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section are prohibited.

(xxvi) *Pressure Testing Classes 1, 2, and 3 Mechanical Joints.* The repair and replacement activity provisions in IWA–4540(c) of the 1998 Edition of Section XI for pressure testing Class 1, 2, and 3 mechanical joints must be applied when using the 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section.

(xxvii) *Removal of Insulation.* When performing visual examinations in accordance with IWA–5242, 2003 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of the section, insulation must be removed from 17–4 PH or 410 stainless steel studs or bolts aged at a temperature below 1100 °F or having a hardness above Rc 30, and from A–286 stainless steel studs or bolts preloaded to 100,000 pounds per square inch or higher. If insulation is removed from a bolted connection to perform a VT–2 examination with the system depressurized in accordance with IWA–5242(a), a system pressure test and VT–2 examination must be performed after the insulation is reinstalled.

(xxviii) *Reconciliation of Quality Assurance Requirements.* Components used for repair/replacement must be manufactured, procured, and controlled as a safety-related component under a quality assurance program meeting the requirements of Appendix B to 10 CFR part 50 when using IWA–4226.1, 2003 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of the section.

(3) As used in this section, references to the OM Code refer to the ASME Code for Operation and Maintenance of Nuclear Power Plants, and include the 1995 Edition through the 2003 Addenda subject to the following limitations and modifications:

(i) *Quality Assurance.* When applying editions and addenda of the OM Code, the requirements of NQA–1, ''Quality Assurance Requirements for Nuclear Facilities,'' 1979 Addenda, are acceptable as permitted by ISTA 1.4 of the 1995 Edition through 1997 Addenda or ISTA–1500 of the 1998 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(3) of this section, provided the licensee uses its 10 CFR part 50, Appendix B, quality assurance program in conjunction with the OM Code requirements. Commitments contained in the licensee's quality assurance program description that are more stringent than those contained in NQA–1 govern OM Code activities. If NQA–1 and the OM Code do not address the commitments contained in the licensee's Appendix B quality assurance program description, the commitments must be applied to OM Code activities.

* * * * *

(iii) [Reserved]

(iv) *Appendix II.* Licensees applying Appendix II, ''Check Valve Condition Monitoring Program,'' of the OM Code, 1995 Edition with the 1996 and 1997 Addenda, shall satisfy the requirements of (b)(3)(iv)(A), (b)(3)(iv)(B), and (b)(3)(iv)(C) of this section. Licensees applying Appendix II, 1998 Edition through the 2002 Addenda, shall satisfy the requirements of (b)(3)(iv)(A), (b)(3)(iv)(B), and (b)(3)(iv)(D) of this section.

* * * * *

Footnotes to § 50.55a:

* * * * *

[10] Supplemental inservice inspection requirements for reactor vessel pressure heads have been imposed by Order EA–03–09 issued to licensees of pressurized water reactors. The NRC expects to develop revised supplemental inspection requirements, based in part upon a review of the initial implementation of the order, and will determine the need for incorporating the revised inspection requirements into 10 CFR 50.55a by rulemaking.

* * * * *

Dated at Rockville, Maryland this 22nd day of December 2003.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director For Operations.

[FR Doc. 04–314 Filed 1–6–04; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket No. 04–02]

RIN 1557–AC11

Fundamental Change in Asset Composition of a Bank

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to amend its regulations to require a national bank to obtain the approval of the OCC before two types of fundamental changes in the composition of the bank's assets: (1) Changing the composition of all, or substantially all, of its assets through sales or other dispositions or, (2) after having sold or disposed of all or substantially all of its assets, subsequently purchasing or otherwise acquiring assets. The proposal also provides that, in the second case, the OCC will apply, among other factors,

the same factors as it applies to the establishment of a *de novo* bank. This new approval requirement will enable the OCC to better assess the bank's compliance with applicable law and safe and sound banking practices.

DATES: Comments must be received by March 8, 2004.

ADDRESSES: Please send your comments to: Office of the Comptroller of the Currency, Public Information Room, 250 E Street, SW., Mail Stop 1–5, Washington, DC 20219, Attention: Docket No. 04–02. Due to delays in paper mail delivery in the Washington, DC area, commenters are encouraged to submit their comments by fax or e-mail. You may fax your comments to (202) 874–4448 or electronic mail them to *regs.comments@occ.treas.gov*. Comments may be inspected and photocopied at the OCC's Public Information Room, 250 E Street, and SW., Washington, DC. You can make an appointment to inspect and photocopy comments by calling (202)–874–5043.

FOR FURTHER INFORMATION CONTACT: Heidi M. Thomas, Special Counsel, Legislative and Regulatory Activities, at (202) 874–5090; or Jan Kalmus, NBE/ Licensing Expert, Licensing Policy and Systems, at (202) 874–5060.

SUPPLEMENTARY INFORMATION:

I. Background

A national bank that divests itself of assets through sale or other disposition to become a ''stripped'' or ''dormant'' bank charter, or, having ''stripped down,'' subsequently takes on new assets through purchases or acquisitions, raises significant supervisory concerns. These concerns include increased operations risk, increased concentration risk (especially where asset composition changes as a result of divestiture), and the ability of bank management to implement the new strategy successfully. In addition, the dormant bank being revived may propose to engage in activities that significantly deviate or are a change from the bank's original business plan or operations.[1] Ill-conceived, poorly planned, or inadequately executed changes in a national bank's business can expose the bank to imprudent levels of risk, with the potential for adverse consequences for the bank's financial condition and, in the extreme situation, for its viability.[2] Even entry into lines of business that are traditional for national banks may present elevated levels of risk to a particular bank if the bank expands too quickly from a dormant status, misjudges its markets, or fails to ensure that bank management and internal control systems keep pace with the change. Moreover, the acquisition of a dormant charter by a third party raises concerns about the need to thoroughly review the nature of the services and products that might be initiated by an acquiring entity.

Our current regulations do not require the approval of the OCC before a bank ''strips down'' to a dormant bank charter, nor do they require our approval when a dormant bank increases its asset size to engage again in the business of banking. To better assess the bank's compliance with applicable law and safe and sound banking practices, we are proposing to amend our regulations to require prior OCC approval for two types of fundamental changes in the composition of a national bank's assets: (1) A change in composition of all or substantially all of a bank's assets resulting from a sale or other disposition of the bank's assets, or (2) an increase in the asset size of a national bank that had previously ''stripped down'' in a transaction described in item (1), regardless of existing or new ownership.

In addition, because a ''stripped'' or dormant charter that subsequently increases in asset size fundamentally resembles a new entrant obtaining a new charter, transactions described in item (2) will be evaluated under the same standards that the OCC applies to a *de novo* national bank charter proposal.

II. Description of the Proposal

Approval requirements. This proposal would add a new § 5.53 to subpart D of 12 CFR part 5. Proposed § 5.53(c) requires that a national bank obtain the OCC's prior written approval before changing the composition of all, or substantially all, of its assets through (1) sales or other disposition or, (2) after having sold or disposed of all or substantially all of its assets, through purchases or other acquisitions. A bank that has disposed of all or substantially all of its assets before the effective date of this regulation must comply with the prior approval requirement if it purchases or otherwise acquires or takes on new assets after the regulation takes effect. Proposed § 5.53(d) specifies that this approval requirement does not apply to a change in composition of all, or substantially all, of a bank's assets that the bank undertakes in response to direction from the OCC (*e.g.*, in an enforcement action pursuant to 12 U.S.C. 1818) or pursuant to a statute or regulation that requires OCC review or approval (*e.g.*, a voluntary liquidation pursuant to 12 U.S.C. 181 and 12 CFR 5.48).

We note that the acquisition of deposits by a dormant bank raises the presumption that the bank intends to use the deposits to fund an increase in assets, which would trigger this proposal's application requirement. A dormant bank should not gather deposits to fund its asset acquisition without first seeking the approval of the OCC pursuant to this proposal.

In reviewing applications filed under § 5.53, we will consider the purpose of the transaction, its impact on the safety and soundness of the bank, and any effect on the bank's customers. Relevant to our consideration of an application to dispose of all or substantially all of the bank's assets will be the reasons for the proposed decrease in asset size and future plans for the bank charter (including any plans for liquidation), future asset growth, future plans to market or sell the charter, and future business plans, as applicable. Depending on the circumstances presented in the bank's application, our approval of the bank's disposition of all or substantially all of its assets will address how long the dormant charter may continue, and could include a requirement that the bank submit a plan of liquidation.

In reviewing an application in connection with an increase in the assets of a stripped charter, we will consider the bank's future business plan and whether this plan involves activities that significantly deviate from

[1] The OCC defines a significant deviation from a bank's business plan or operations to include a material deviation or material change in the bank's: (1) Projected growth, such as planning significant growth in a product or service; (2) strategy or philosophy, such as significantly reducing the emphasis of its targeted niche (for example, small business lending) in favor of significant expansion of another area (for example, funding large commercial real estate projects); (3) lines of business, such as initiating a new program for subprime lending; (4) funding sources, such as shifting from core deposits to brokered deposits; (5) scope of activities, such as establishing transactional Internet banking or entering new, untested markets; (6) stock benefit plans for *de novo* banks, including the introduction of plans that were not previously reviewed during the chartering process with no objection by the OCC; and (7) relationships with a parent company or affiliate, such as a shift to significant reliance on a parent or affiliate as a funding source or provider of back office support. *See* OCC's Significant Deviation Policy, as posted as a supplemental policy document to the Charters Booklet of the Comptroller's Licensing Manual, *http://www.occ.treas.gov/corpbook/forms/SigDevPolicy8–03.pdf.*

[2] In the past few years, for example, some national banks have materially changed the general character of their business by shifting to a concentration of subprime loans or relying on technology-based product and service delivery systems. In some cases, the safety and soundness of these banks was adversely affected because bank management did not fully understand or effectively control the risks associated with the changes.

the bank's original business plan or operations prior to its stripped status. We also will consider the applicant's staffing plans, plans for oversight of the activity within the bank, and accountability to the board of directors, along with the applicant's plans to acquire, develop, or modify internal control systems adequate to monitor the new activity.

This proposal also provides that, where a national bank has sold or otherwise disposed of its assets in a transaction requiring approval pursuant this new § 5.53, our review of any subsequent growth in assets pursuant to this proposal will include, among other things, the factors governing the organization of a *de novo* bank under 12 CFR 5.20. In evaluating an application to establish a *de novo* bank, we consider whether the proposed bank: (1) Has organizers who are familiar with national banking laws and regulations; (2) has competent management, including a board of directors, with ability and experience relevant to the types of services to be provided; (3) Has capital that is sufficient to support the projected volume and type of business; (4) Can reasonably be expected to achieve and maintain profitability; and (5) Will be operated in a safe and sound manner. In addition, § 5.20(f) provides that we also may consider additional factors listed in section 6 of the Federal Deposit Insurance Act, 12 U.S.C. 1816, including the risk to the Federal deposit insurance fund, and whether the proposed bank's corporate powers are consistent with the purposes of the Federal Deposit Insurance Act and the National Bank Act.

Reference to ''business plan.'' This proposal makes a conforming change to § 5.20 to provide that any use of the term ''operating plan'' or ''operating plans'' will be changed to ''business plan or operating plan'' or ''business plans or operating plans,'' as appropriate. Currently, § 5.20 only uses the term ''operating plan'' when referring to the document that describes a national bank's management goals, earnings objectives, and lines of business. However, the banking industry, as well as the OCC and the other Federal financial institution agencies in policy statements, applications, and internal documents, more commonly use the term ''business plan.'' The OCC has made this change to avoid any confusion about whether a substantive difference between the two terms is intended. Thus, the OCC intends that both terms may be used interchangeably.

III. Comment Solicitation

The OCC requests comment on all aspects of this proposal, including the specific issues that follow.

Community Bank Comment Request

The OCC seeks comment on the impact of this proposal on community banks. The OCC recognizes that community banks operate with more limited resources than larger institutions and may present a different risk profile. Thus, the OCC specifically requests comment on the impact of the proposal on community banks' current resources and available personnel with the requisite expertise, and whether the goals of the proposal could be achieved, for community banks, through an alternative approach.

Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, section 722, 113 Stat. 1338, 1471 (Nov. 12, 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. We invite your comments on how to make this proposal easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the proposed regulation clearly stated? If not, how could the regulation be more clearly stated?
- Does the proposed regulation contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand?
- What else could we do to make the regulation easier to understand?

IV. Regulatory Analysis

A. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Comptroller of the Currency certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

B. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that this proposal will not result in expenditures by State, local, or tribal governments or by the private sector of $100 million or more. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

C. Executive Order 12866

The Comptroller of the Currency has determined that this rule does not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866.

D. Paperwork Reduction Act of 1995

In accordance with the requirements of the Paperwork Reduction Act of 1995, the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements contained in this notice of proposed rulemaking have been submitted to OMB for review and approval under OMB Control Number 1557–0014.

This proposal is expected to increase annual paperwork burden for respondents by adding certain application requirements. The information collection requirements are contained in § 5.53. Section 5.53 requires a national bank to submit an application to the OCC before changing the composition of all, or substantially all, of its assets through sales or other dispositions or, having sold or disposed of all or substantially all of its assets, through subsequent purchases or other acquisitions. The time per response to complete an application is estimated to be five hours and the number of respondents is estimated to be five national banks. The likely respondents are national banks.

Estimated number of respondents: 5.

Estimated number of responses: 5.

Estimated total burden hours per response: 5 hours.

Estimated total annual burden hours: 25 hours.

The OCC invites comments on: (1) Whether the collection of information contained in the proposed rulemaking is

necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(2) The accuracy of the OCC's estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected;

(4) Ways to minimize the burden of the information collection on respondents; including the use of automated collection techniques or other forms of information technology; and

(5) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments should be sent to: John Ference, Clearance Officer, Office of the Comptroller of the Currency, Legislative and Regulatory Activities Division, Attention: 1557–0194, 250 E Street, SW., Mailstop 8–4, Washington, DC 20219. Due to delays in paper mail in the Washington area, commenters are encouraged to submit their comments by fax to (202) 874–4889 or by e-mail to *camille.dixon@occ.treas.gov*. Joseph F. Lackey, Jr., Desk Officer, Office of Information and Regulatory Affairs, Attention: 1557–0014, Office of Management and Budget, Room 10235, Washington, DC 20503. Comments may also be sent by e-mail to *jlackeyj@omb.eop.gov*.

List of Subjects in 12 CFR Part 5

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For reasons set forth in the preamble, the OCC proposes to amend part 5 of chapter I of title 12 of the Code of Federal Regulations as follows:

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

1. The authority citation for part 5 is revised to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 24a, 24(Seventh), 93a, 1818, and 3101 *et seq.*

2. In § 5.20, revise all references to ''operating plan'' or ''operating plans'' to read ''business plan or operating plan'' or ''business plans or operating plans,'' as appropriate.

3. In Subpart D—Other Changes in Activities and Operations, a new § 5.53 is added to read as follows:

§ 5.53 Change in asset composition.

(a) *Authority.* 12 U.S.C. 93a, 1818.

(b) *Scope.* This section requires a national bank to obtain the approval of the OCC before changing the composition of all, or substantially all, of its assets through sales or other dispositions or, having sold or disposed of all or substantially all of its assets, through subsequent purchases or other acquisitions.

(c) *Approval requirement.* (1) A national bank must file an application and obtain the prior written approval of the OCC before changing the composition of all, or substantially all, of its assets (i) through sales or other dispositions or, (ii) having sold or disposed of all or substantially all of its assets, through subsequent purchases or other acquisitions.

(2) In determining whether to approve an application under paragraph (c)(1) of this section, the OCC will consider the purpose of the transaction, its impact on the safety and soundness of the bank, and any effect on the bank's customers, and may deny the application if the transaction would have a negative effect in any such respect. Where a national bank has sold or otherwise disposed of all or substantially all of its assets in a transaction requiring approval under paragraph (c)(1)(i) of this section, the OCC's review of any subsequent change in asset composition through purchase or other acquisition will include, in addition to the foregoing factors, the factors governing the organization of a bank under § 5.20.

(d) *Exception.* This section does not apply to a change in composition of all, or substantially all, of a bank's assets that the bank undertakes in response to direction from the OCC (*e.g.*, in an enforcement action pursuant to 12 U.S.C. 1818) or pursuant to a statute or regulation that requires OCC review or approval (*e.g.*, a voluntary liquidation pursuant to 12 U.S.C. 181 and 12 CFR 5.48).

Dated: December 30, 2003.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 04–247 Filed 1–6–04; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–236–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Model Astra SPX and 1125 Westwind Astra series airplanes. This proposal would require detailed inspections and resistance measurements of the starter generator electrical cables of both engines to detect damage, and replacement of the electrical cable and cable support if any damage is found. This proposal would also require eventual replacement of the cable support. This action is necessary to prevent chafing of the starter generator cable, which could result in electrical arcing in the vicinity of a fuel line, and possible fire or explosion. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 6, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–236–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–236–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D25, Savannah, Georgia 31402. This information may be examined at the FAA, Transport

Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–236–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–236–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Administration of Israel (CAAI), which is the airworthiness authority for Israel, notified the FAA that an unsafe condition may exist on certain Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra series airplanes. The CAAI advises that there has been a report of electrical failure on one airplane. Investigation revealed that the starter generator electrical cable was chafed in the area of the firewall support, and that the cable shorted to the structure. This condition, if not corrected, could result in electrical arcing in the vicinity of a fuel line, and possible fire or explosion.

Explanation of Relevant Service Information

Gulfstream Aerospace LP has issued Gulfstream Service Bulletin 100–54–252, dated April 24, 2002, which describes procedures for repetitive detailed inspections of the starter generator electrical cables of both engines to detect damage. If no damage is found, the service bulletin describes procedures for measuring the insulation resistance between the cable and the support. If any damage is found or if the insulation resistance is less than 20 megaohms, the service bulletin describes procedures for replacement of the electrical cables and cable support prior to further flight. If no damage is found, and the insulation resistance is more than 20 megaohms, the service bulletin describes procedures for repetitive inspection and eventual replacement of the cable support at the next engine removal. Replacement of the cable support and the cable, as necessary, is considered terminating action for repetitive inspections. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAAI classified this service bulletin as mandatory and issued Israeli airworthiness directive 54–02–06–12, dated July 4, 2002, to ensure the continued airworthiness of these airplanes in Israel.

FAA's Conclusions

These airplane models are manufactured in Israel and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAAI, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the Proposed AD and the Service Bulletin

While the service bulletin gives a compliance time of ''at the next engine removal'' for replacement of the cable support if no damage is found, this proposed AD gives a compliance time for the replacements of ''within 5 years after the effective date of this AD, or at the next engine removal, whichever occurs first.'' This difference has been coordinated with the CAAI.

Although the service bulletin specifies to submit certain information to the manufacturer, this proposed AD does not include such a requirement.

Difference Between the Proposed AD and the Israeli AD

While the Israeli AD does not require repetitive inspections until replacement, the proposed AD would require, and the service bulletin recommends repetitive inspections at intervals not to exceed 250 flight hours until the applicable replacement is accomplished.

Cost Impact

The FAA estimates that 55 airplanes of U.S. registry would be affected by this proposed AD; that it would take approximately 2 work hours per airplane to accomplish the proposed inspection and measurement; 4 hours per airplane to accomplish the proposed replacement of the cable support if no damage is found; and 12 hours per airplane to accomplish the proposed replacement of the cable and cable support if any damage is found. The average labor rate is $65 per work hour. All necessary parts will be provided by the manufacturer free of charge. Based on these figures, the cost impact of the proposed inspection and measurement on U.S. operators is estimated to be $7,150, or $130 per airplane, per inspection cycle. For airplanes on which no damage is found, the cost impact of the proposed replacement on U.S. operators is estimated to be

$14,300, or $260 per airplane. For airplanes on which damage is found, the cost impact of the proposed replacement on U.S. operators is estimated to be $42,900, or $780 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace LP (Formerly Israel Aircraft Industries, Ltd.): Docket 2002–NM–236–AD.

Applicability: Model Astra SPX and 1125 Westwind Astra series airplanes, serial numbers 004 through 141 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of the starter generator cable, which could result in electrical arcing in the vicinity of a fuel line, and possible fire or explosion, accomplish the following:

Service Bulletin Reference

(a) The following information pertains to the service bulletin referenced in this AD:

(1) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Gulfstream Service Bulletin 100–54–252, dated April 24, 2002.

(2) Although the service bulletin referenced in this AD specifies to submit certain information to the manufacturer, this AD does not include such a requirement.

Initial and Repetitive Inspections

(b) Within 250 flight hours after the effective date of this AD, perform a detailed inspection of the starter generator electrical cables of both engines to detect damage, per the service bulletin.

Note 1: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Follow-on Action if No Damage Is Found

(c) If no damage is found during any inspection required by paragraph (b) of this AD: Before further flight, measure the insulation resistance between the starter generator cable and firewall support in accordance with the service bulletin.

(1) If the measured resistance is less than 20 Megaohms: Before further flight, replace the electrical cables and cable support per paragraph (d) of this AD.

(2) If the measured resistance is greater than or equal to 20 Megaohms, repeat the inspection required by paragraph (b) of this AD at intervals not to exceed 250 flight hours, including the follow-on measurement in paragraph (c), as applicable, until the applicable replacement required by paragraph (d) or (e) of this AD is accomplished.

Replacement if Any Damage Is Found

(d) If any damage is found during any inspection required by paragraph (b), or if the insulation resistance as required to be measured by paragraph (c) of this AD is less than 20 megaohms: Before further flight, replace the electrical cables and cable support per Part C of the service bulletin. This replacement terminates the repetitive inspections required by paragraph (b) and the measurement required by paragraph (c) of this AD, for that affected engine.

Replacement if No Damage is Found

(e) If no damage is found during any inspection required by paragraph (b) or if the insulation resistance as required to be measured by paragraph (c) of this AD is greater than or equal to 20 megaohms: Within 5 years after the effective date of this AD, or at the next engine removal, whichever comes first, replace the cable support per Part B of the service bulletin. This replacement terminates the repetitive inspections required by paragraph (b) and the measurement required by paragraph (c) of this AD, for that affected engine.

Alternative Methods of Compliance

(f) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Note 2: The subject of this AD is addressed in Israeli airworthiness directive 54–02–06–12, dated July 4, 2002.

Issued in Renton, Washington, on December 31, 2003.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–271 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–289–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737–100, –200, and –200C series airplanes. This proposal would require repetitive inspections to detect discrepancies of certain fuselage skin panels located just aft of the wheel well, and repair if necessary. The actions specified by the proposed AD are intended to detect and correct

fatigue cracking of the skin panels, which could cause rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 23, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–289–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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.

FOR FURTHER INFORMATION CONTACT: Suzanne Lucier, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6438; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–289–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–289–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of fatigue cracking of the skins and doublers located aft of the wing, between body station (BS) 727 and BS 1016, and between body stringers 14 and 25, on numerous Boeing Model 737–100, –200, and –200C series airplanes. On some airplanes, reinforcing angles had been installed on the skin doublers; however, cracking was detected on both modified and unmodified airplanes. The cracking has been attributed to fatigue from a combination of shear stresses due to repeated wrinkling of the skin, and the skin chem-milled pockets configuration. Such fatigue cracking, if not corrected, could cause rapid decompression of the airplane.

Related Rulemaking

AD 90–06–02, amendment 39–6489 (55 FR 8372, March 7, 1990), requires numerous modifications to aging Model 737 series airplanes. That AD requires, among other things, accomplishment of the preventive modification specified in Boeing Service Bulletin 737–53–1065, Revision 1, dated October 12, 1989, of certain fuselage skin panels in the subject area.

Since AD 90–06–02 was issued, the FAA has received reports indicating that several airplanes developed fatigue cracking in the fuselage skin panels even after the skin panels had been modified or repaired in accordance with that AD. While the cause of this post-modification or post-repair skin cracking has not yet been determined, it is evident that the previous modifications or repairs may not have adequately addressed the original fatigue cracking problem.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 737–53–1065, Revision 2, dated April 19, 2001, including Evaluation Form. This service bulletin describes procedures for various actions on 42 different groups of airplanes, based on airplane configuration differences. The service bulletin includes procedures in different areas of the airplane for:

- A subsurface eddy current or magnetic optical imaging inspection on the exterior skin to detect skin cracking or other damage in zones 1 and 3;
- An internal HFEC inspection, if cracking is detected during the eddy current or magnetic optical imaging inspection, to detect cracking along the edge of the tearstrap and disbonding of the bonded doubler;
- A blind fastener repair, which would extend the interval for the next HFEC inspection;
- A general visual inspection of the exterior side of the skin in Zone 2;
- Repair of cracking;
- Removal of wrinkles from the skin to allow the repair to be done;
- Reinspecting unrepaired areas at regular intervals; and
- Installation of reinforcing angles, which would extend the interval for the next inspection.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive inspections to detect discrepancies of certain fuselage skin panels located just aft of the wheel well, and repair if necessary. The purpose of these inspections is to detect fatigue cracking of the skin panels, which could cause rapid decompression of the airplane. The proposed inspections are to be accomplished in accordance with the service bulletin, except as discussed below.

Differences Between the Service Bulletin and the Proposed AD

Although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Although the service bulletin recommends that operators report certain crack findings, this AD would not require such a report.

Interim Action

This is considered to be interim action. The manufacturer has advised that it is developing an improved preventive modification intended to address the identified unsafe condition for unmodified skin areas. After this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

There are approximately 1,000 airplanes of the affected design in the worldwide fleet. The FAA estimates that 390 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 47 to 88 work hours per airplane (depending on configuration) to accomplish the proposed inspections, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the inspections proposed by this AD is estimated to be $3,055 to $5,720 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2002–NM–289–AD.

Applicability: All Model 737–100, –200, and –200C series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the skin panels, which could cause rapid decompression of the airplane, accomplish the following:

Repetitive Inspections: Unmodified Skin Areas

(a) For fuselage skin panel areas that have not been modified with stiffening angles: Before the airplane accumulates 16,000 total flight cycles, or within 4,500 flight cycles after the effective date of this AD, whichever occurs later, inspect the unmodified fuselage side skins just aft of the main wheelwell, and perform all follow-on actions, in accordance with Part I of the Accomplishment Instructions of Boeing Service Bulletin 737–53–1065, Revision 2, dated April 19, 2001. If no cracking, loose fasteners, disbonding, or damage is found: Repeat the inspection at the time specified in paragraph 1.E., of the service bulletin, as applicable, except as provided by paragraph (d) of this AD.

Repetitive Inspections: Modified Skin Areas

(b) For fuselage skin panel areas that have been modified with stiffening angles in accordance with Boeing Service Bulletin 737–53–1065, dated April 19, 2001: Within 16,000 flight cycles after the modification, or within 4,500 flight cycles after the effective date of this AD, whichever occurs later, inspect the modified areas as specified in accordance with Part I of Boeing Service Bulletin 737–53–1065, Revision 2, dated April 19, 2001. Repeat the inspection at the time specified in paragraph 1.E., of the service bulletin, as applicable, except as provided by paragraph (d) of this AD. If any cracks, loose fasteners, disbonding, or damage is found: Repair before further flight in accordance with the requirements of paragraph (d) of this AD.

Terminating Action for Inspections of Modified Skin Areas

(c) For fuselage skin panel areas that have been modified with stiffening angles in accordance with Boeing Service Bulletin 737–53–1065, dated April 19, 2001: At the later of the times specified by paragraphs (c)(1) and (c)(2) of this AD: Perform a subsurface eddy current or magneto optical imaging inspection to detect subsurface skin cracks along the edge of the bonded doubler, in accordance with Figure 10 of Boeing Service Bulletin 737–53–1065, Revision 2, dated April 19, 2001. If any cracks are found, repair before further flight in accordance with paragraph (d) of this AD. Accomplishment of this inspection and all applicable corrective actions terminates the repetitive inspections required by paragraph (b) of this AD for the modified areas.

(1) Inspect within 24,500, but not fewer than 20,000, flight cycles after the modification of the skin.

(2) Inspect within 4,500 flight cycles after the effective date of this AD.

Repair: Modified and Unmodified Skin Areas

(d) If any cracking is detected during any inspection required by this AD: Do the actions specified by paragraph (d)(1) or (d)(2) of this AD before further flight. Do the actions in accordance with Boeing Service Bulletin 737–53–1065, Revision 2, dated April 19, 2001, except as required by paragraph (e) of this AD.

(1) Do a time-limited repair (including a detailed inspection of the skin in the area of the repair to detect corrosion and doubler disbonding) in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(i) After the time-limited repair has been accomplished: At intervals not to exceed 3,000 flight cycles, perform an external general visual inspection of the repair to detect loose or missing fasteners, in accordance with Part III of the Accomplishment Instructions of the service bulletin, until the actions specified in paragraph (d)(1)(v) of this AD have been accomplished.

(ii) After the time-limited repair has been accomplished: At intervals not to exceed 4,500 flight cycles, perform an internal inspection of the repair to detect cracking or doubler disbonding using general visual and high-frequency eddy current methods, in accordance with Figure 11 of the service bulletin, until the actions specified in paragraph (d)(1)(v) of this AD have been accomplished.

(iii) If any cracking is found during any inspection required by paragraph (d)(1) of this AD: Repair before further flight in accordance with paragraph (e) of this AD.

(iv) If any disbonding is found during any inspection required by paragraph (d)(1) of this AD: Repair before further flight in

accordance with Part II of the service bulletin.

(v) Within 10,000 flight cycles after accomplishment of the time-limited repair: Make the repair permanent in accordance with Part III of the Accomplishment Instructions of the service bulletin. Permanent repair of an area terminates the repetitive inspections specified in this AD for that repaired area only.

(2) Do a permanent repair (including an inspection using external subsurface eddy current or magneto optical imaging methods to detect cracks at the chem-milled step in each adjacent bay of the fuselage skin, a detailed inspection of the skin in the area of the repair for corrosion and doubler disbonding, and applicable corrective action) of the cracked area, in accordance with Part II of the Accomplishment Instructions of the service bulletin. Permanent repair of an area terminates the repetitive inspections specified in this AD for that repaired area only.

Exceptions to Service Bulletin Procedures

(e) During any inspection required by this AD, if any discrepancy (including cracking) is detected for which the service bulletin specifies to contact Boeing for appropriation action: Before further flight, repair in accordance with a method approved by the Manager, Seattle ACO; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, as required by this paragraph, the approval letter must specifically refer to this AD.

(f) Although Boeing Service Bulletin 737–53–1065, Revision 2, dated April 19, 2001, recommends that cracks found in Zone 2 be reported to Boeing, this AD does not require such a report.

Alternative Methods of Compliance

(g)(1) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

Issued in Renton, Washington, on December 30, 2003.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–272 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–226–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas MD–90–30 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–90–30 airplanes. For some airplanes, the proposal would require replacing one 3-phase limiter block assembly, 6 current limiters, and hardware for 9 electrical cables with new parts. For other airplanes, this proposal would require inspecting 6 current limiters and 3 spare current limiters and replacing any defective current limiters with new current limiters. These actions are necessary to prevent overheating of the terminal studs on the 3-phase limiter blocks and associated current limiters, which could cause a fire in the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 23, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–226–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–226–AD in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–226–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–226–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of overheating of the terminal studs on the 3-phase limiter block and associated current limiters on MD–90 airplanes. Investigation has determined that incorrect manufacturing or assembly procedures were used during manufacture of the 3-phase limiter blocks or the current limiters. If the defective 3-phase limiter blocks or current limiters are not replaced, overheating of the terminal studs on the 3-phase limiter blocks and associated current limiters could occur. Overheating of the terminal studs causes the casing of the current limiters attached to the limiter block to melt and deform. Such overheating could cause a fire in the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001, which describes procedures for replacing (1) The 3-phase limiter block assembly, (2) the 6 current limiters and attaching parts located on the limiter block, and (3) hardware for 9 electrical cables attached to the limiter block.

The FAA has also reviewed and approved McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001, which describes procedures for (1) inspecting the 6 current limiters and attaching hardware and the 3 spare current limiters located in the electrical power center and (2) replacing the current limiters which have manufacturing defects with new current limiters. This service bulletin specifies that the actions required by McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001, are to be accomplished prior to or concurrent with those described in McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as indicated below.

Difference Between Proposed Rule and Referenced Service Bulletin

Operators should note that, although the Accomplishment Instructions of the referenced alert service bulletins describe procedures for recording certain data regarding replacement of the 3-phase limiter block assembly and forwarding the data to the FAA, this proposed AD would not require those actions. The FAA does not need this information from operators.

Cost Impact

There are approximately 29 airplanes in the worldwide fleet which are listed in McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001. The FAA estimates that 18 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the actions proposed in paragraph (b) of this AD, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the actions proposed in paragraph (b) of this AD on U.S. operators is estimated to be $5,655, or $195 per airplane.

There are approximately 4 airplanes in the worldwide fleet which are listed in McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001, and are also listed as Group 1 airplanes in McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001. None of those airplanes are on the U.S. registry.

There are approximately 5 airplanes in the worldwide fleet which are listed as Group 2 airplanes in McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001. The FAA estimates that one airplane of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the actions proposed in paragraph (c) of this AD, and that the average labor rate is $65 per work hour. The manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions. Based on these figures, the cost impact of the actions proposed in paragraph (c) of this AD on U.S. operators is estimated to be $195.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2001–NM–226–AD.

Applicability: Model MD–90–30 airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001, or McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the terminal studs on the 3-phase limiter blocks and associated current limiters, which could cause a fire in the airplane, accomplish the following:

Inspection and Replacement

(a) For those airplanes listed as Group 1 airplanes in McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001, which are also listed in McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001: Within 6 months after the effective date of this AD, accomplish the following actions:

(1) Inspect the 3 spare current limiters located in the electrical power center (EPC) in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001. If the inspection reveals that any of the current limiters located in the electrical power unit are defective, before further flight replace the defective current limiter(s) with new current limiter(s) in accordance with the alert service bulletin.

(2) Prior to or concurrent with accomplishment of paragraph (a)(1) of this AD, accomplish the following actions in accordance with McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001:

(i) Replace the 3-phase limiter block assembly and associated clear cover of the EPC with a serialized 3-phase limiter block assembly and a new clear cover.

(ii) Replace the six current limiters and attaching parts on the limiter block with new current limiters and attaching parts.

(iii) Replace hardware for nine electrical cables attached to the limiter block with new attaching hardware.

Replacement

(b) For those airplanes listed in McDonnell Douglas Alert Service Bulletin MD90–24A031, Revision 01, dated February 28, 2001: Within 6 months after the effective date of this AD, accomplish the following actions in accordance with the Accomplishment Instructions of the alert service bulletin:

(1) Replace the 3-phase limiter block assembly and associated clear cover of the EPC with a serialized 3-phase limiter block assembly and a new clear cover.

(2) Replace the six current limiters and attaching parts on the limiter block with new current limiters and attaching parts.

(3) Replace hardware for nine electrical cables attached to the limiter block with new attaching hardware.

Other Inspection

(c) For those airplanes listed as Group 2 airplanes in McDonnell Douglas Alert Service Bulletin MD90–24A043, Revision 01, dated March 12, 2001: Within 6 months after the effective date of this AD, accomplish the following actions in accordance with the Accomplishment Instructions of the alert service bulletin.

(1) Inspect the 6 current limiters and attaching hardware on the 3-phase limiter blocks and the 3 spare current limiters located in the EPC to determine whether any of the current limiters are defective.

(2) If the inspection required by paragraph (c)(1) of this AD reveals that any of the current limiters are defective, before further flight replace the defective current limiters with new current limiters, in accordance with Figure 1 of the Accomplishment Instructions.

Parts Installation

(d) As of the effective date of this AD, no person shall install on any airplane a Tri-Star 3-phase limiter block assembly having part number (P/N) C–1301–3 or a Burndy 3-phase limiter block assembly having P/N F6H–2, unless that 3-phase limiter block assembly has serial number 3015 or higher.

Information Submission

(e) Although the service bulletin referenced in this AD specifies that certain information is to be submitted to the FAA, this AD does not include such a requirement.

Alternative Methods of Compliance

(f) In accordance with 14 CFR 39.19, the Manager, Los Angeles ACO, FAA, is authorized to approve alternative methods of compliance for this AD.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Issued in Renton, Washington, on December 30, 2003.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–273 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register

Vol. 69, No. 4

Wednesday, January 7, 2004

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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the one hundred and fortieth meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8 a.m. to 1 p.m. on February 5, 2004 in the ground floor meeting room of the National Association of State Universities & Land Grant Colleges (NASULGC), at 1307 New York Avenue, NW., Washington, DC.

The BIFAD will hear a status report regarding revision of the CRSP Guidelines and a report on the status of the Request for Assistance (RFA) to procure the management entity for the next phase of the SANREM and IPM CRSPs. The Board will also be updated on the implementation of the BIFAD Long-Term Training initiative and hear the report from the East African Regional Training Assessment team. Recommendations from the BIFAD-commissioned study on USAID-university relationships will be considered.

The meeting is free and open to the public. Those wishing to attend the meeting or obtain additional information about BIFAD should contact Curtis Nissly, the Designated Federal Officer for BIFAD. Write him in care of the U.S. Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW., Room 2.11–085, Washington, DC, 20523–2110 or telephone him at (202) 712–1064 or fax (202) 216–3010.

Curtis Nissly,

USAID Designated Federal Officer for BIFAD, Office of Agriculture and Food Security, Bureau for Economic Growth, Agriculture and Trade.

[FR Doc. 04–279 Filed 1–6–04; 8:45 am]

BILLING CODE 6116–01–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Food for Peace; Announcement of Draft Pub. L. 480 Title II Guidelines for Cooperating Sponsor Results Reports (FY 2003) and Resource Requests (FY 2005)

Pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480, as amended), notice is hereby given that the Draft Guidelines for Pub. L. 480 Title II Cooperating Sponsor Results Reports and Resource Requests are being made available to interested parties for the required thirty (30) day comment period.

Individuals who wish to receive a copy of these draft guidelines should contact: Office of Food for Peace, Agency for International Development, RRB 7.06–153, 1300 Pennsylvania Avenue, Washington, DC 20523–7600. Individuals who have questions or comments on the draft guidelines should contact P.E. Balakrishnan at the above address, at (202) 712–1368 or *pebalakrishnan@usaid.gov*.

The thirty-day comment period will begin on the date that this announcement is published in the **Federal Register**.

Dated: December 22, 2003.

P.E. Balakrishnan,

Acting Deputy Director, Office of Food for Peace Bureau for Democracy, Conflict and Humanitarian Assistance.

[FR Doc. 04–278 Filed 1–6–04; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Southwest Idaho Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393), the Boise and Payette National Forests' Southwest Idaho Resource Advisory Committee will conduct a business meeting. The meeting is open to the public.

DATES: Wednesday, January 21, 2004, beginning at 10:30 a.m.

ADDRESSES: Idaho Counties Risk Management Program Building, 3100 South Vista Avenue, Boise, Idaho.

SUPPLEMENTARY INFORMATION: Agenda topics will include review and approval of project proposals, ratification of the committee chair, and an open public forum.

FOR FURTHER INFORMATION CONTACT: Randy Swick, Designated Federal Officer, at (208) 634–0401 or e-mail *rswick@fs.fed.us.*

Dated: December 30, 2003.

E. Jane Cropp,

Acting Forest Supervisor, Payette National Forest.

[FR Doc. 04–264 Filed 1–6–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China

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

ACTION: Notice of initiation of new shipper antidumping duty review: Fresh garlic from the People's Republic of China.

EFFECTIVE DATE: January 7, 2004.

SUMMARY: In November 2003, the Department of Commerce received two requests to conduct new shipper reviews of the antidumping duty order on fresh garlic from the People's Republic of China. We have determined that one of these requests meets the statutory and regulatory requirements for the initiation of a new shipper review.

FOR FURTHER INFORMATION CONTACT: Brian Ellman or Minoo Hatten at (202) 482–4852 and (202) 482–1690, respectively, AD/CVD Enforcement III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on fresh garlic from the People's Republic of China (PRC) was published on November 16, 1994. In November 2003, we received two requests to conduct new shipper reviews of the antidumping duty order.

On November 25, 2003, we received a request for a new shipper review from H&T Trading Company of Hong Kong (H&T). On November 26, 2003, we also received a request for a new shipper review from Jinxiang Shanyang Freezing Storage Co., Ltd. (Shanyang).

H&T and Shanyang certified that they exported the subject merchandise on which they based their requests for a new shipper review, but that they did not grow the subject merchandise. Specifically, H&T certified that Shandong Jining Jinshan Textile Co., Ltd. (Jining Jinshan), grew the subject merchandise it exported, and Shanyang certified that Kaifeng Wangtun Fresh Vegetables Factory (Kaifeng) grew the subject merchandise it exported.

On December 16 and December 23, 2003, respectively, Shanyang and H&T resubmitted their requests for new shipper reviews to correct certain deficiencies (*e.g.*, bracketing of public information) that we identified in their submissions and to provide additional documentation pertaining to the U.S. sales for which they requested new shipper reviews.

Initiation of New Shipper Review

H&T

The Department of Commerce (the Department) issued a letter to H&T on December 19, 2003, in which it requested additional documentation establishing H&T's entitlement to a new shipper review. In its December 23, 2003, response, H&T included the sales contract pertaining to its transaction with the grower, Jining Jinshan. The sales contract, which was generated prior to the date of H&T's U.S. sale, specifies the ultimate U.S. destination of the merchandise and stipulates that the transaction between Jining Jinshan and H&T will be conducted in U.S. dollars.

Section 772(a) of the Tariff Act of 1930, as amended (the Act) states in part:

> The term ''export price'' means the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States * * *

Accordingly, the Department has interpreted section 772(a) of the Act to mean that it is to use the price at which the first party in the chain of distribution who has knowledge of the U.S. destination of the merchandise sells the subject merchandise, either directly to a U.S. purchaser or to an intermediary such as a trading company. The party making such a sale, with knowledge of destination, is the appropriate party to be reviewed. Our focus is on the first party in the chain of distribution with knowledge of the U.S. destination rather than on the first chronological sale of the merchandise. See, *e.g., Fresh Garlic From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Administrative Review, and Intent To Rescind Administrative Review in Part,* 68 FR 4758, 4759 (January 30, 2003). One exception to this rule is that, in non-market-economy (NME) cases, we do not base export price on internal transactions between two companies located in the NME. See *Fresh Garlic From the People's Republic of China; Final Results of Antidumping Duty Administrative Review and Partial Termination of Administrative Review,* 62 FR 23758, 23759 (May 1, 1997).

Hong Kong companies are treated as market-economy companies (*see Application of U.S. Antidumping and Countervailing Duty Laws to Hong Kong,* 62 FR 42965 (August 11, 1997)). H&T's request for a new shipper review indicates that the company is based in Hong Kong.

Applying these principles, we are not initiating a new shipper review of H&T's sale to its U.S. customer because evidence on the record supports a finding that Jining Jinshan had knowledge of the U.S. destination when it completed its transaction with H&T. Because of its knowledge and the fact that the sale between Jining Jinshan and H&T was the first non-intra-NME sale in the chain of distribution, this sale is the appropriate basis for determining the export price.

The Department did not receive a request for a new shipper review of Jining Jinshan at any point prior to or during the anniversary month of the publication of the antidumping duty order. See 19 CFR 351.214(d). Therefore, we find that it is not appropriate to conduct a review of the sale at issue at this time and have determined that H&T is ineligible for a new shipper review based on this transaction.

Shanyang

Pursuant to 19 CFR 351.214(b)(2)(i), Shanyang certified that it did not export subject merchandise to the United States during the period of investigation (POI). In addition, pursuant to 19 CFR 351.214(b)(2)(ii)(B), Kaifeng, the grower of the garlic exported by Shanyang, provided certifications that it did not export the subject merchandise to the United States during the POI.

Pursuant to 19 CFR 351.214(b)(2)(iii)(A), Shanyang certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Shanyang also certified that its export activities were not controlled by the central government.

In addition to the certifications described above, Shanyang submitted documentation establishing the following: (1) The date on which it first shipped the subject merchandise for export to the United States and the date on which the subject merchandise was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment and the volume of subsequent shipments; (3) the date of its first sale to an unaffiliated customer in the United States.

Pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d)(1), we are initiating a new shipper review for shipments of fresh garlic from the PRC grown by Kaifeng and exported by Shanyang.

The period of review is November 1, 2002, through October 31, 2003. See 19 CFR 351.214(g)(1)(i)(A). We intend to issue final results of these reviews no later than 270 days from the date of initiation. See section 751(a)(2)(B)(iv) of the Act.

Shanyang has certified that it exported but did not grow the subject merchandise on which it based its request for a new shipper review (*i.e.*, Kaifeng certified that it grew the subject merchandise exported by Shanyang). Therefore, until completion of the new shipper review, we will instruct U.S. Customs and Border Protection to allow,

at the option of the importer, the posting of a bond or security in lieu of a cash deposit for entries of subject merchandise grown by Kaifeng and exported by Shanyang.

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: December 31, 2003.

Louis Apple,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 04–332 Filed 1–6–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–822]

Stainless Steel Bar From the United Kingdom: Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to timely requests by one manufacturer/exporter and the petitioners,[1] the Department of Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar from the United Kingdom with respect to one company. The period of review is August 2, 2001, through January 28, 2002, and March 8, 2002, through February 28, 2003.[2]

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs and Border Protection to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: January 7, 2004.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Kate Johnson, Office 2, AD/CVD Enforcement Group I, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4007 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 2000, the Department published in the **Federal Register** an antidumping duty order on stainless steel bar from the United Kingdom (67 FR 10381). On October 10, 2003, we published an amended antidumping duty order (68 FR 58660).

On March 3, 2003, we published a notice advising of the opportunity to request an administrative review of the antidumping duty order on stainless steel bar from the United Kingdom (68 FR 9974). In response to timely requests by two manufacturers/exporters, Corus Engineering Steels Limited (CES) and Firth Rixson Special Steels Limited (FRSS), and the petitioners, the Department published a notice of initiation of an administrative review with respect to two companies: CES and FRSS (68 FR 19498 (April 21, 2003)).

On May 7, 2003, the Department issued antidumping duty questionnaires to the above-mentioned companies. On June 11, 2003, FRSS requested that the Department limit its request for information concerning sales in the United Kingdom and its request for information concerning the cost of production for those sales. On July 8, 2003, we granted FRSS's request to limit its reporting of home market sales and the associated cost of production for those sales.

On June 26, 2003, CES timely withdrew its request for an administration review of the antidumping duty order on stainless steel bar from the United Kingdom for the above-referenced review period. On July 10, 2003, we published a *Notice of Partial Rescission of Antidumping Duty Administrative Review* with respect to CES (68 FR 41112).

We received FRSS's response to the questionnaire on July 25, 2003. We issued supplemental questionnaires in August, September and October 2003, and received responses during the period August through November 2003.

On October 27, 2003, we received notification from counsel for FRSS that the company did not intend to participate any further in the administrative review. For further discussion, see the ''Use of Facts Available (FA)'' section of this notice.

Scope of the Order

For purposes of this order, the term ''stainless steel bar'' includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The stainless steel bar subject to this order is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Use of Facts Available

On October 27, 2003, two weeks prior to the Department's planned verification of FRSS's submitted cost and sales information, FRSS notified the Department that it no longer intended to participate in this administrative review (*see* printed electronic message from William L. Matthews to LaVonne

[1] The petitioners are Carpenter Technology Corporation; Crucible Specialty Metals Division, Crucible Materials Corporation; Electralloy Corporation, a Division of G.O. Carlson, Inc., and Slater Steels Corporation, Specialty Alloys Division.

[2] The review period does not include January 29, 2002, through March 7, 2002, for reasons explained in our *Notice of Amended Antidumping Duty Orders: Stainless Steel Bar from France, Germany, Italy, Korea, and the United Kingdom,* 68 FR 58660 (October 10, 2003).

Jackson on file in the Central Records Unit, Room B–099 of the Commerce Department.) Section 776(a)(2)(D) of the Act provides that, if an interested party provides information that cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination.

Once we determine that the use of facts available is warranted, section 776(b) of the Act further permits us to apply an adverse inference if we make the additional finding that ''[a respondent] has failed to cooperate by not acting to the best of its ability to comply with a request for information.'' By ceasing to participate in the review, effectively cancelling the Department's planned verification of FRSS's submitted cost and sales information, FRSS did not act to the best of its ability as required by section 776(b) of the Act. Consequently, we have determined to make an adverse inference in determining a dumping margin for FRSS.

(*See Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol From the Republic of Korea,* 68 FR 47540 (August 11, 2003).)

Section 776(b) of the Act authorizes the Department to use as adverse facts available (AFA) information derived from the petition, the final determination from the less-than-fair-value (LTFV) investigation, a previous administrative review, or any other information placed on the record. As AFA, we have assigned to FRSS the highest margin found in any segment of the proceeding, which in this case is the highest margin calculated in the petition, and used as AFA in the LTFV investigation. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from the United Kingdom,* 67 FR 3146 (January 23, 2002). *See also Notice of Preliminary Results of Antidumping Duty Administrative Review: Foundry Coke from the People's Republic of China,* 68 FR 57869 (October 7, 2003) (*Foundry Coke*) and *Notice of Final Results of Antidumping Duty Administrative Review: Persulfates from the People's Republic of China,* 66 FR 42628 (August 14, 2001) (*Persulfates*) (employing a petition rate used as adverse facts available in a previous segment as adverse facts available in the current review).

Section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition) in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. We have interpreted ''corroborate'' to mean that we will, to the extent practicable, examine the reliability and relevance of the information used. *See, e.g.*, Foundry Coke at 57874, citing *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews,* 61 FR 57391, 57392 (November 6, 1996), and *Persulfates* at 42629. In this case, when analyzing the petition for purposes of the LTFV initiation, we reviewed all of the data upon which the petitioners relied in calculating the estimated dumping margins, and determined that the margins in the petition were appropriately calculated and supported by adequate evidence in accordance with the statutory requirements for initiation. In order to corroborate the petition margins for purposes of using them as AFA for the investigation, we re-examined the price and cost information provided in the petition in light of information developed during the investigation. For the purposes of this administrative review, we once again re-examined the petition information relative to verified data gathered during the investigation, as we did in *Persulfates.* The rate used is also the rate currently applicable to FRSS. We conclude that this data continues to be the best information reasonably available to us, as no information has been presented in this review to call into question its reliability or relevance. (*See* the Memorandum Regarding the Use of Facts Available dated December 30, 2003, on file in Room B–099 of the main Commerce building.)

In accordance with section 776(c) of the Act, we consider the petition rates to be corroborated using information from independent sources that were reasonably at our disposal. As a result, we have preliminarily assigned FRSS the highest rate from any segment of the proceeding, 125.77 percent.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margin for the period August 2, 2001, through January 28, 2002, and March 8, 2002, through February 28, 2003, is as follows:

Manufacturer/exporter	Percent margin
Firth Rixson Special Steels Limited	125.77

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c). If requested, a hearing will be held 44 days after the date of publication of this notice, or the first work day thereafter.

Issues raised in the hearing will be limited to those raised in the case briefs of interested parties. Case briefs and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. *See* 19 CFR 351.309(c) and (d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to CBP upon completion of this review. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. *See* 19 CFR 351.106(c)(2). The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse,

for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for FRSS will be that established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.48 percent, the ''All Others'' rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: December 30, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–331 Filed 1–6–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-533–821]

Notice of Preliminary Results of Countervailing Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from India

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

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on certain hot-rolled carbon steel flat products from India for the period April 20, 2001, through December 31, 2002,[1] the period of review (POR). For information on the net subsidy rate for the reviewed company, see the ''Preliminary Results of Review'' section of this notice. If the final results remain the same as the preliminary results of this review, we will instruct the U.S. Customs and Border Protection (CBP) to assess countervailing duties as detailed in the ''Preliminary Results of Administrative Review'' section of this notice. Interested parties are invited to comment on these preliminary results. (*See* the ''Public Comment'' section of this notice).

DATES: EFFECTIVE DATE: January 7, 2004.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl at (202) 482–1767, Maura Jeffords at (202) 482–3146 or Cindy Robinson at (202) 482–3797, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2001, the Department published in the **Federal Register** the CVD order on certain hot-rolled carbon steel flat products from India. *See Notice of Amended Final Determination and Notice of Countervailing Duty Orders: Certain Hot-Rolled Carbon Steel Flat Products from India and Indonesia*, 66 FR 60198 (December 3, 2001) (Hot-Rolled Amended Final). On December 2, 2002, the Department published a notice of opportunity to request an administrative review of this CVD order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 67 FR 71533 (December 2, 2002). On December 30, 2002, we received a timely request for review from Essar Steel Ltd. (Essar), an Indian producer and exporter of subject merchandise. On January 15, 2003, the Department initiated an administrative review of the CVD order on certain hot-rolled carbon steel flat products from India, covering POR April 20, 2001 through December 31, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 68 FR 3009 (January 22, 2003).

On February 11, 2003, the Department issued a questionnaire to the Government of India (GOI) and Essar. We received questionnaire responses from Essar on April 7, 2003, and from the GOI on April 17 and April 28, 2003. On June 3, 2003, we issued a supplemental questionnaire to the GOI; the response was received on August 5, 2003. On July 14 and September 5, 2003, we issued supplemental questionnaires to Essar, which submitted its responses on August 5, September 20, October 14, and October 16, 2003. On July 30, 2003, the Department published in the **Federal Register** an extension of the deadline for the preliminary results. *See Certain Hot-Rolled Carbon Steel Flat Products from India: Extension of Preliminary Results of Countervailing Duty Administrative Review*, 68 FR 44744 (July 30, 2003).

On May 19, 2003, petitioners submitted new subsidy allegations. These allegations covered the following programs: unequityworthiness in 2001 and 2002, uncreditworthiness in 2001 and 2002, forgiveness of debt obligations in 2002 restructuring, suspension and restructuring of interest payments, debt-to-equity conversions, preferential restructuring of loans and guarantee and repayment of debt. On September 12, 2003, the Department initiated a review of the new subsidy allegations. *See* Memorandum to Melissa G. Skinner regarding ''Administrative Review of the Countervailing Duty Order on Certain Hot-Rolled Carbon Steel Flat Products from India, New Subsidy Allegations''

[1] For the purposes of these preliminary results, we have analyzed data for the period January 1, 2001 through December 31, 2001 to determine the subsidy rate for exports of subject merchandise made during the period in 2001 when liquidation of entries was suspended. In addition, we have analyzed data for the period January 1, 2002 through December 31, 2002 to determine the subsidy rate for exports during that period. Further, we are using the 2002 subsidy rate to establish the cash deposit rate for exports of subject merchandise subsequent to the issuance of the final results of this administrative review.

(New Subsidy Allegation Memorandum). On September 15, 2003, additional supplemental questionnaires were issued to the GOI and Essar. The responses were received on October 14, 2003. On October 17, 2003, we issued a supplemental questionnaire to Essar. We received Essar's response on October 24, 2003. On October 29 through November 7, 2003, we conducted verification of the responses of Essar and the GOI.

In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters for which a review was specifically requested. The only company subject to this review is Essar. This review covers eleven programs.

Scope of Order

The merchandise subject to this order is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included within the scope of this order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: I) iron predominates, by weight, over each of the other contained elements; ii) the carbon content is 2 percent or less, by weight; and iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this order is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by this order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and CBP purposes, the Department's written description of the merchandise subject to this order is dispositive.

Subsidies Valuation Information

Equityworthiness:

As discussed above, petitioners alleged that Essar was unequityworthy in 2001 and 2002. On September 12, 2003, the Department initiated a review of Essar's equityworthiness for 2001 and 2002. *See* New Subsidy Allegation Memorandum. We preliminarily find that it is not necessary for the Department to conduct such an analysis, as Essar did not receive any equity infusion or conduct any debt-to-equity conversions during calendar years 2001 and 2002.

Creditworthiness:

On May 19, 2003, petitioners alleged that Essar was uncreditworthy in 2001 and 2002.[2] Based on an analysis of the information provided by petitioners, including detailed data regarding Essar's financial health in 2001 and 2002, we initiated a review of Essar's creditworthiness during calendar years 2001 and 2002. See New Subsidy Allegation Memorandum.

Pursuant to section 351.505(a)(4)(I) of the Department's Regulations, the Department will generally consider a firm to be uncreditworthy if, based on information available at the time of the government-provided loan, the firm could not have obtained long-term loans from conventional commercial sources. To make this determination, the

[2] In our New Subsidy Allegations Memorandum, we erroneously stated 2000 and 2001 were the periods in which petitioners alleged that Essar was uncreditworthy. Petitioners actually alleged that Essar was uncreditworthy in 2001 and 2002.

Department may examine, among other factors, the following:

(A) The receipt by the firm of comparable commercial long-term loans;

(B) The present and past financial health of the firm, as reflected in various financial indicators calculated from the firm's financial statements and accounts;

(C) The firm's recent past and present ability to meet its costs and fixed financial obligations with its cash flow; and

(D) Evidence of the firm's future financial position, such as market studies, country and industry economic forecasts, and project and loan appraisals prepared prior to the agreement between the lender and the firm on the terms of the loan.

The Department found that Essar did not receive commercial loans during 2001 or 2002, as set forth in factor (A). *See* Memorandum to the File from the Team, Regarding: Creditworthiness Allegation (Creditworthiness Memorandum) dated December 31, 2003. In addition, we analyzed factors (B) and (C) and we compared Essar's financial ratios to those of the U.S. steel and iron industry, as reported in Standard & Poor's Industry Surveys, Metals: Industrial, dated July 3, 2003. We found that Essar's ratios do not appear to indicate any potential short-term problems with respect to the company's ability to meet its debt obligations in 2001. However, Essar's current and quick ratios show a decline in 2002 while its current liability/net worth ratio became negative as Essar's net worth fell below zero. Essar's debt/equity, total liabilities/net worth and fixed assets/net worth ratios indicate that its financial health was declining in 2001 and the company moved into default status, which ultimately caused its net worth to fall below zero in 2002.

Also, during 2001, Essar defaulted on a long-term loan to a group of noteholders. *See* Essar's October 2, 2003, submission at page 17. When the lenders threatened to take action against the company, Essar applied for protection under the Bombay Relief Undertaking (BRU) Act, which prevented Essar's creditors from taking action against the company. *Id* at 12. The BRU is important for this analysis, because this program is designed to assist companies in poor financial conditions whose failure would exacerbate the unemployment situation in the State of Gujarat. Part D of section 351.505(a)(4)(I) of the Department's Regulations also directs that we review Essar's future financial position. In 2001, Essar was in default status on interest and principal payments and the company confirmed this fact during verification (*see* the December 8, 2003, Memorandum to Melissa Skinner, Director, Office of AD/CVD Enforcement VI, from Tipten Troidl, Cindy Robinson, and Maura Jeffords, Case Analysts, Regarding: Countervailing Duty Administrative Review of Certain Hot-Rolled Carbon Steel Flat Products from India, at page 12 (Essar Verification Report). As a result in August 2001, the company entered into one-on-one negotiations with individual lenders, which led to a formalized restructuring plan drafted in 2002 and finalized in 2003.

Based on our analysis of Essar's financial ratios, its financial statements, its history of missed principal and interest payments, Essar's negotiations of a restructuring package of its outstanding debt obligations, and its application for protection under the BRU, we preliminarily find that Essar was uncreditworthy during fiscal years 2001 and 2002.

Benchmarks for Loans and Discount Rate

Benchmark for Short-Term loans

In accordance with section 351.505(a)(3)(I) of the Department's Regulations, for those programs requiring the application of a short-term benchmark interest rate, we used company-specific, short-term interest rates on commercial loans as reported by Essar. With respect to the rupee-denominated, short-term benchmark used in calculating the benefit for pre-shipment export financing, we used the weighted-average rate of the company's cash credit loans. Cash credit loans are the most comparable type of short-term loan to use as a benchmark because, like the pre- shipment export financing, cash credit loans are denominated in rupees and take the form of a line of credit which can be drawn down by the recipient. *See Notice of Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products from India*, 66 FR 49635 (September 28, 2001) (HRC Final) and the accompanying Decision Memorandum, at Section II.C. ''Benchmark for Loans and Discount Rates'' and *Notice of Final Affirmative Countervailing Duty Determination: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 FR 34905 (May 16, 2002) (*PET Film*) and accompanying Decision Memorandum, at section II.A.2. ''Benchmark for Loans and Discount Rates'' (PET Film Decision Memorandum).

Benchmark for Loans issued up to 2000

For those programs requiring a rupee-denominated discount rate or the application of a rupee-denominated, long-term benchmark interest rate, we used, where available, company-specific, weighted-average interest rates on commercial long-term, rupee-denominated loans. We note, however, that Essar did not have rupee-denominated, long-term loans from commercial banks for all required years. Therefore, for those years for which we did not have company- specific information, we relied on a rupee-denominated, long-term benchmark interest rate from the immediately preceding year as directed by section 351.505(a)(2)(iii) of the Department's regulations.

Benchmark for loans issued in 2001 and 2002

As discussed in the ''Creditworthiness'' section of this preliminary results, we have preliminarily determined that Essar was uncreditworthy during 2001 and 2002. In these preliminary results for years 2001 and 2002, where Essar received benefits that were treated as fixed, long-term loans, we used as our long-term benchmark interest rate India's Prime Lending Rate (PLR), as published by the Reserve Bank of India (RBI). *See* GOI Verification Exhibit 1. We note that we converted the PLR into a benchmark interest rate for uncreditworthy companies using the formula set forth in section 351.505(a)(3)(iii) of the Department's Regulations.

Programs Preliminarily Determined To Confer Subsidies

1. Pre-shipment Export Financing

The RBI, through commercial banks, provides short-term pre-shipment financing to exporters. Upon presentation of a confirmed export order or letter of credit to a bank, companies may receive pre-shipment loans for working capital purposes. Exporters may also establish pre-shipment credit lines upon which they may draw as needed.

We determined in *HRC Final* that the pre-shipment export financing program constitutes a financial contribution pursuant to section 771(5)(D)(I) of the Tariff Act of 1930, as amended (the Act), as a direct transfer of funds. *See* HRC Decision Memorandum at Section III. I.A. ''Pre-Shipment and Post-Shipment Export Financing.'' This program also confers a benefit to the company under section 771(5)(E)(ii) of the Act, to the extent that interest payments under the program are less than the amount the

company would pay on a comparable commercial loan that the company could actually obtain on the market. This program is also contingent on export performance and is therefore specific under section 771(5A) of the Act. No new information or evidence of changed circumstances have been presented to warrant reconsideration of this finding; therefore, for the purpose of these preliminary results we continue to find this program countervailable.

Essar did not use this program in 2001. To calculate the benefit conferred by these pre-shipment loans taken out by Essar in 2002, we compared the actual interest paid on the loans with the amount of interest that would have been paid at the benchmark interest rate. Where the benchmark interest exceeds the actual interest paid, the difference constitutes the benefit. We then divided the total amount of benefit by Essar's 2002 total exports. On this basis, we preliminarily determine the net countervailable subsidy under the pre-shipment export financing program in 2002 to be less than 0.005 percent ad valorem for Essar.

2. Export Promotion Capital Goods Scheme (EPCGS)

The EPCGS provides for a reduction or exemption of customs duties and an exemption from excise taxes on imports of capital goods. Under this program, producers may import capital equipment at reduced rates of duty by undertaking to earn convertible foreign exchange equal to

five times the CIF value of capital goods to be fulfilled over a period of eight years (12 years in the case where the CIF value is Rs. 100 Crore [3] or more). For failure to meet the export obligation, a company is subject to payment of all or part of the duty reduction, depending on the extent of the export shortfall, plus penalty interest. During verification, we found that in April 2003, after the POR, there was a change to the EPCGS with respect to export obligation commitment. The export earning commitment, which was five times the CIF value of the imported capital goods, was changed to eight times the CIF value of the imported capital good.

In *PET Film*, we determined that import duty reductions provided under the EPCGS constituted a countervailable export subsidy. *See* PET Film Decision Memorandum, at section II.A.4. ''EPCGS.'' Specifically, the Department found that under the EPCGS program, the GOI provides a financial contribution under section 771(5)(D)(ii) of the Act in the form of revenue foregone that otherwise would be due, that a benefit is thereby conferred, as defined by section 771(5)(E) of the Act, and that this program is specific under section 771(5A)(B) of the Act because it is contingent upon export performance. No new information or evidence of changed circumstances has been provided to warrant a reconsideration of this determination. Therefore, we continue to find that import duty reductions provided under the EPCGS are countervailable export subsidies.

We have determined the benefit under this program in accordance with our findings and treatment of benefit in *HRC Final* and *PET Film. See* HRC Decision Memorandum, at Analysis of Programs I.E. ''Export Promotion of Capital Goods Scheme (EPCGS)'' and PET Film Decision Memorandum, at section II.A.4. ''EPCGS'', and *Pet Film*, 66 FR at 53394. Specifically, there are two potential benefits under the EPCGS program. The first benefit is the amount of unpaid duties that would have to be paid to the GOI if the export requirements are not met. The repayment of this liability is contingent on subsequent events, and in such instances it is the Department's practice to treat any balance on an unpaid liability as an interest-free loan. *See* section 351.505(d)(1) of the Department's regulations. Because Essar had not yet met its export obligation, we preliminarily determine that the company has an outstanding contingent liability during the POR. We further determine that the amount of the contingent liability to be treated as an interest-free loan is the amount of the import duty reduction or exemption for those EPCGS licenses which Essar applied but, as of the end of the POR, had not received a waiver of its obligation to repay the duties from the GOI.

Accordingly, for those unpaid duties for which Essar has yet to fulfill its export obligations, we determine the benefit to be the interest that Essar would have paid during the POR had they borrowed the full amount of the duty reduction at the time of import. Pursuant to section 351.505(d)(1) of the Department's regulations, we used a long-term interest rate as our benchmark to calculate the benefit of a contingent liability interest-free loan because the event upon which repayment of the duties depends (*i.e.*, the date of expiration of the time period for Essar to fulfill its export commitments) occurs at a point in time more than one year after the date the capital goods were imported. Specifically, we used the calculated long-term benchmark interest rate for Essar, as described in the ''Subsidies Valuation'' section above. The rate used corresponded to the year in which Essar imported the item under the program.

The second potential benefit is the waiver of import duty on imports of capital equipment covered by those EPCGS licenses for which export requirements have been met. Essar reported that it imported machinery under the EPCGS in the years prior to the POR and during the POR. Upon importation under these licenses Essar received reduced import duty liabilities and agreed to the export obligations prescribed under the program, as noted above. For some of its licenses, Essar reported to the GOI that it met its export requirements and requested waiver of the obligation to repay the duties otherwise due for importation of the equipment. However, Essar did not provide evidence that the GOI has granted these waivers during the POR. Consistent with our policy, absent acknowledgment from the GOI that the liability has been eliminated, we continue to treat benefits of these licenses as contingent liabilities. *See* ''Export Promotion of Capital Goods Scheme (EPCGS)'' section from the HRC Final Decision Memoradnum.

Essar reported that it paid application fees in order to obtain its EPCGS license. We preliminarily determine that the application fees paid by Essar qualify as an ''application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the countervailable subsidy.'' *See* section 771(6)(A) of the Act. As a result, we have offset the benefit in an amount equal to the fees paid.

To calculate the subsidy rate, we summed the benefits conferred on Essar in the form of contingent liability loans. We note, that for some licenses related to imports of capital goods during 2001 and 2002, we prorated the contingent liability by the actual number of days. We then divided Essar's total benefit under the program by its respective total export sales during years 2001 and 2002. On this basis, we preliminarily determine the net countervailable subsidy from this program to be 1.69 percent *ad valorem* for 2001 and 1.16 percent *ad valorem* for 2002.

In addition, we found that Essar had taken out EPCGS licenses for the importation of capital goods equipment used for making iron ore pellets. At the time that Essar took out these licenses, it wholly-owned Hy-Grade Pallets Ltd. (Hy-Grade), an iron ore pellet manufacturer. In September 2000, subsequent to the issuance of the EPCG licenses, Essar divested itself of its

[3] A crore is equal to 10,000,000 rupees.

majority ownership in Hy-Grade. At that time, Essar also transferred the EPCGS licenses connected to the iron ore pellet equipment to Hy-Grade. During Essar's verification, we reviewed certain selected EPCG licenses and noted that the licenses specify the name of the company and the product. *See* Essar's Verification Report at 15. Thus, in order for Hy-Grade to receive a permanent waiver on the import duties incurred on the importation of the iron ore pellet equipment, Hy-Grade must export a certain amount of pellets within a given period of time.

With respect to the EPCGS licenses that were transferred from Essar to Hy-Grade, we preliminarily determine that 1) the license can be tied to Hy-Grade, the transferee, and 2) the license is tied to a product, which in this case are iron ore pellets (*i.e.*, pellets must be exported by Hy-Grade in order for the duties to be permanently waived). By legally transferring the licence to Hy-Grade, Essar is relieved of its potential obligation to repay the import duties. That obligation now lies with Hy-Grade. Therefore, we preliminarily find that the EPCGS licenses are the liability of Hy-Grade and are tied to iron ore pellets.

3. Bombay Relief Undertaking Act

In their May 19, 2003 submission, petitioners alleged that the State Government of Gujarat conferred a countervailable benefit upon Essar under the Bombay Relief Undertaking Act (BRU). As explained in our New Subsidy Allegation Memorandum, we initiated an investigation of this program.

Enacted in 1958 and later amended in 1974, the BRU is a provincial law enacted by the State of Gujarat that is intended to safeguard employment. Under the BRU, companies designated as a relief undertakings have all litigation against them stayed for a period of one year. In disputes between companies and their creditors, the effect is that principal and interest payments are also put on hold, as a creditor is unable to sue for collection. During the time in which litigation is stayed, the company has the opportunity to become current on its financial debts. Subsequent BRU declarations are allowable after the initial declaration. A company can be protected under the BRU for up to ten years. To be designated as a relief undertaking, a company must submit an application. The State Government of Gujarat evaluates applications according to three criteria: (1) whether the company's balance sheet indicates a loss, (2) whether there is an allegation that unemployment will occur if the applicant is not declared a relief undertaking, and (3) whether there is information demonstrating that the company has the potential to turn itself around. While the BRU is specific to Gujarat, most other states in India have similar legislation.

Essar applied for BRU protection in late 2001. Essar stated that its application was prompted by a group of foreign lenders that refused to agree to the terms of the company's debt restructuring package.[4] The foreign lenders' share of Essar's total debt was sufficient to block the company's corporate restructuring from going forward. According to Essar, the corporate restructuring was essential to its financial well-being. Essar further claimed that without a declaration under the BRU, the company's lenders would file a petition declaring that the company was insolvent, an action that Essar claimed would cause it to eliminate jobs.

Upon review of Essar's application, the State Government of Gujarat granted Essar protection under the BRU in order to ''serve as a measure of preveningt unemployment.'' *See* Exhibit 11 of the GOI's October 14, 2003, questionnaire response. The State Government of Gujarat further promulgated that, rights, privileges, obligations, and liabilities incurred by Essar would be suspended and that proceedings relating thereto pending before any court, Tribunal or Authority would be stayed for one year beginning on March 19, 2002. *Id.* Upon receiving protection under the BRU, Essar ceased making principal and interest payments on some of its loans. During this time, which included the period covered by the POR, Essar's creditors were prohibited from taking any legal action against the company.

In determining whether a program is countervailable, the Department must conclude that the program constitutes a financial contribution by the government, confers a benefit, and is specific pursuant to the criteria enumerated under the Act. For purposes of these preliminary results, we find that the State Government of Gujarat's protection of Essar from litigation under the BRU constitutes a financial contribution under section 771(5)(B)(iii) of the Act. Specifically, we find that by granting Essar protection under the BRU, the State Government of Gujarat, by prohibiting Essar's creditors from pursuing any pending litigation against the company, directed the creditors to not collect principal and interest payments on loans that otherwise would be due. For purposes of these preliminary results, we further determine that the limitations imposed on the creditors by the State Government of Gujarat conferred a benefit upon Essar, under section 771(E)(ii) of the Act, in an amount equal to the principal and interest it would have had to pay absent the legal protection afforded under the BRU.

Regarding the criterion of specificity, as defined by section 771(5A) of the Act, in our new subsidies allegations questionnaire, we asked the GOI and the State Government of Gujarat to provide information regarding how companies are granted BRU status. *See* the ''Bombay Relief Undertakings (Special Act) 1956 (BRU)'' section of the September 15, 2003, questionnaire. In particular, we asked the governments to discuss the application/petition process companies undergo when they seek treatment under the BRU as well as a description of the types of documents that applicants are required to submit. In addition, we asked the GOI and the State Government of Gujarat to provide information concerning the distribution of the recipients of BRU protection (*i.e.*, specificity information). *Id.*

In its response, the GOI provided the legislation for the BRU program. *See* Exhibit 10 of the GOI's October 14, 2003, questionnaire response. However, regarding the Department's other questions, the GOI explained that, ''a response from the State Government of Gujarat is still awaited and will be sent as soon as received. . .. The Government of India will assist the investigating authorities in verifying the facts submitted by Essar Steel Limited, if need be.''[5] A response from the State Government of Gujarat was never received.

In our October 21, 2003, verification outline issued to the GOI and the State Government of Gujarat, we informed the two governments that they should prepared to discuss the BRU. Namely, we instructed them to be ready to discuss how the program was administered, including the eligibility requirements. *See* ''State of Gujarat'' section of the GOI Verification Outline. We further instructed them to be prepared to discuss Essar's participation under the BRU and to have available any documents or reports that pertained to Essar's protection under the BRU. *Id.*

[4] The company proposed corporate debt restructuring is discussed in further detail below in the ''Corporate Debt Restructuring (CDR)'' section of these preliminary results.

[5] We note that the GOI's incomplete response was submitted in spite of the fact that the Department granted the GOI and the State Government of Gujarat a 15-day extension to response to the questionnaire.

During verification, the officials from the State Government of Gujarat claimed that eight companies were granted protection in 2001 while six were granted BRU status in 2002. State government officials further claimed that there are between 25 and 30 applicants per year. However, the State Government of Gujarat presented no documentation to support these contentions. *See* the ''Bombay Relief Undertaking Act (BRU)'' section of the GOI's Verification Report. Further, state government officials failed to provide the Department with the requested documentation regarding Essar's application and declaration under the BRU.

Regarding specificity, we find that there is nothing in the BRU legislation indicating that the program is *de jure* specific under section 771(5A)(D)(I) of the Act. *See* Exhibit 10 of the GOI's October 14, 2003, questionnaire response. Thus, we turn to issue of whether the program is *de facto* specific under section 771(5A)(D)(iii) of the Act. According this subsection of the Act, a program is *de facto* specific where one or more of the following factors exist:

(I). The actual recipients of the subsidy, whether considered on an enterprise or industry basis, are limited in number;

(II). An enterprise or industry is a predominant user of the subsidy;

(III). An enterprise or industry receives a disproportionately large amount of the subsidy;

(IV). The manner in which the authority providing the subsidy has exercised discretion in the decision to grant the subsidy indicates that an enterprise or industry is favored over others.

The Preamble to the CVD Regulations states that:

As indicated in the SAA at 931, the discretion factor is generally more valuable as an analytical tool that enhances the analysis of the other de facto specificity factors and criteria. . . .

Discretion can also come into play where the evidence relating to the first three factors is inconclusive.

See 63 FR 65348, 65356.

Record evidence indicates that the State Government of Gujarat granted eight companies protection in 2001 while in 2002, the year in which Essar received protection under the program, the State Government of Gujarat approved only six companies. Record evidence further indicates that the State Government of Gujarat reviewed between 25 and 30 applicants during these years. In 2002, Essar received protection under the BRU, while some 19 or so other applicants were rejected. The fact that only six companies were approved under this program during 2002 demonstrates that the actual recipients of the subsidy are limited in number. While this, by itself, may be inconclusive, we preliminarily find that the State Government of Gujarat's exercise of discretion in approving applicants, supports a finding of specificity. Although the three criteria for designation as a relief undertaking would make the program appear broadly available, we note that the State Government of Gujarat has established a set of generic criteria under which it analyzes applications. For example, the State Government of Gujarat has not established the amount of financial losses that a company must be experiencing, the level of anticipated unemployment, or the factors upon which the company's proposed turn-around should be based. On this basis, at least 19 other applicants were rejected during 2002. Therefore, we find that the State Government of Gujarat exercises discretion in the manner in which grants approval under the program to a limited number of users, as provided for under section 771(5A)(D)(iii)(I) of the Act. Thus, for purposes of these preliminary results, we find that the BRU is countervailable.

To calculate the benefit to Essar, we summed the amount of the principal and interest payments that Essar would have otherwise been required to make had it not been under the protection of the BRU. We treated these payments as interest-free short-term loans using the short-term interest benchmark, as discussed in the ''Benchmarks for Loans and discount Rate'' section above. We then took this amount and divided it by Essar's total sales for 2002. As the protection under the BRU did not take affect until March 19, 2002, we are not calculating a net subsidy rate for this program for 2001. On this basis, we preliminarily find that Essar received a countervailable subsidy of 1.43 percent *ad valorem*.

4. Duty Entitlement Passbook Scheme (DEPS)

The DEPS enables exporting companies to earn import duty exemptions in the form of passbook credits rather than cash. All exporters are eligible to earn DEPS credits on a post-export basis, provided that the GOI has established a standard input-output norm (SION) for the exported product. DEPS credits can be used for any subsequent imports, regardless of whether they are consumed in the production of an export product. DEPS credits are valid for twelve months and are transferable after the foreign exchange is realized from the export sales on which the DEPS credits are earned. With respect to subject merchandise, exporters were eligible to earn credits equal to 14 percent of the FOB value of their export shipments during the fiscal year ending January 31, 2003. During the POR, Essar earned a DEPS credit on a sale of subject merchandise to the United States.

In *PET Film*, the Department determined that DEPS conferred countervailable subsidies on the respondents: 1) because a financial contribution, as defined under section 771(5)(D)(ii) of the Act, is provided under the program, as the GOI provides the respondents with credits for the future payment of import duties; 2) since the GOI does not have in place and does not apply a system to confirm which inputs, and in what amounts, are consumed in the production of the exported products that is reasonable and effective for the purposes intended, under section 351.519(a)(4) of the Department's regulations and section 771(5)(E) of the Act, the entire amount of import duty exemption earned by the respondents during the POI constitutes a benefit; and 3) this program can only be used by exporters and, therefore, is specific under section 771(5A)(B) of the Act. *See* the ''DEPS'' section of the PET Film Decision Memorandum. No new information or evidence of changed circumstances have been presented in this review to warrant reconsideration of this findings. Therefore, we continue to find that the DEPS program is countervailable.

In October 2003, Essar switched the license it earned under the DEPS program to a license under the Duty Free Remission Certificate Scheme (DFRCS). Essar claims that the DFRCS program is similar to the Advance License program, a program under which duty exemptions are not countervailable provided that the input imported under the program is physically incorporated into the re-exported product. Essar further claims that it switched the license (after the POR) in order to avoid any countervailable duties associated with the DEPS program. Essar also claims that, as it did not use the DEPS license during the POR to receive duty exemption on imported inputs, the Department should not find that it received any benefits during the POR.

We disagree with Essar. We note that in *CTL Plate from India*, we stated that, ''benefits from the DEPS program are conferred as of the date of exportation of the shipment for which the pertinent DEPS credits are earned rather than the

date the DEPS credits are used. At that time, the amount of the benefit is known by the exporter.'' *See CTL Plate* at 64 FR 73134. *See* also Comment 4 of CTL Plate, ''Timing and Calculation of DEPS Benefits,'' 64 FR 73140. Moreover, Essar has not provided any new evidence that would lead us to reconsider our finding that the GOI does not have in place and does not apply a system that is reasonable and effective to confirm which inputs, and in what amounts, are consumed in the production of the exported products for the purposes intended. Thus, consistent with our approach in *CTL Plate*, we find that the DEPS credit earned by Essar during the POR is countervailable.

To derive the DEPS program rate, we first calculated the value of the credits that Essar earned for its export shipments of subject merchandise to the United States during the POR by multiplying the f.o.b. value of each export shipment by 14 percent, the percentage of DEPS credit allowed under the program for exports of subject merchandise. We then subtracted as an allowable offset the actual amount of application fees paid for each license in accordance with section 771(6) of the Act. Finally, we took this sum (the total value of the licenses net of application fees paid) and divided it by Essar's total exports of subject merchandise to the United States during the POR. On this basis, we determine the net countervailable subsidy from this program to be 14.06 percent ad valorem.

Program Preliminarily Determined Not To Be Used

1. Corporate Debt Restructuring

On September 12, 2003, the Department initiated separate investigations of the following programs: forgiveness of debt obligations, suspension and restructuring of interest payments, debt-to-equity conversions, preferential restructuring of loans, and guarantee and ultimate payment of certain debt. *See* New Subsidy Allegation Memorandum. While we initiated on each program separately, we preliminary find that it is more appropriate to discuss and analyze these programs under the single program of the corporate debt restructuring. During the course of this proceeding, the Department has found that these programs are all related to the Corporate Debt Restructuring (CDR) and therefore should be treated as a single program.

The RBI and a group of lenders introduced the CDR Mechanism to restructure corporations' debt in August 2001. The Inter-Creditor Agreement (ICA) was signed in February 2002 to deal with the increasing amount of non-performing assets (NPAs) that banks where holding. The RBI and the CDR Standing Forum, which consisted of members from various banks in India reviewed other countries' restructuring programs, and ultimately based the CDR framework on the London Approach. The CDR is a non-statutory and voluntary organization whose members are bound by the ICA. Lender participation in the CDR is voluntary. However, when a restructuring package is accepted by at least 75 percent of the lenders, determined by value of their outstanding loans, the remaining 25 percent must either comply with the terms of the agreement, or, if they decide to opt out, must transfer their debts to another lender on terms set by the agreement.

The CDR has three levels; the CDR Core Group, the Empowered Group and the CDR Cell. During the POR, state banks, private banks and other financial institutions had representation on the CDR Core Group. Foreign banks did not. The Core Group is responsible for overseeing the CDR as a whole, while the Empowered Group is responsible for making the decision on the individual restructuring packages. The CDR Cell works with the company and oversees the restructuring package. The RBI is a party to the CDR Core Group; however, it does not have representation on the other two levels.

The objective of the CDR is to restructure a company's debt. The guidelines for the CDR are set forth in the RBI's circulars dated August 23, 2001 and February 5, 2003. The CDR began restructuring companies' debts in March 2002. *See* GOI Verification Report at 5. While CDR packages are created on a case-by-case basis, most CDR packages include a change (lowering) of the company's interest rates and an extension of the time period for repayment of outstanding debt.

With respect to Essar, in October 2002, the IDBI proposed a CDR package for Essar under the CDR. *See* Essar's Verification Report at 9. On January 21, 2003, the Empowered Group approved the proposed restructuring package. *Id.* at 10. On February 24, 2003, the CDR Cell sent a letter to the IDBI, stating that the package had been approved and that the IDBI was selected as the monitoring agency for implementation of the plan and Essar's Board of Directors approved the CDR package on March 31, 2003. *See* Essar's October 2, 2003 submission at Exhibit 3 and Essar's Verification Exhibit 14.

Essar's restructuring package included the extension of loan due dates until 2017, and a lowering of interest rates for all lenders who had not yet changed the interest rates that they were charging. If a lender did not want to extend the loan, it could accept a one-time settlement, in which Essar would pay out its obligation at a discount. Another option presented to the lenders would be to convert debt to rupees and extend the due date to 2017.

Based on the record evidence provided by the GOI and Essar as well as information obtained during verification, we preliminarily determine that the restructuring plan for Essar under the CDR did not take effect until after the POR. As a result, we preliminarily determine that Essar did not use this program during the POR.

2.Duty Free Remission Certificate Scheme (DFRCS)

The Duty Free Remission Certificate (DFRC) scheme was introduced by the GOI in 2001. The DFRC is administered by the Director-General for Foreign Trade (DGFT), and is applicable to manufacturing exporters. Eligibility is not conditioned on any sector or region, but is conditioned on export. The GOI characterizes the DFRC as an extension of the Advance License scheme. The DFRC also uses the same Standard Input Output Norms (SION) as the Advance License program. *See* Essar's Verification Report at 5. The DFRC differs from the Advance License scheme in that the Advance License program requires only positive addition and the DFRC requires a minimum value addition of 25 percent. DFRC licenses are only issued after export has occurred. Manufacturers are required to provide all shipping documents and invoices to demonstrate they imported only the allowable input.

In October 2003, Essar switched from a DEPS to a DFRC. *Id.* Since the company switched from a DEPS to a DFRC in 2003, we find that this occurred after the POR and therefore, Essar did not use this program during the POR.

3. Sick Industrial Companies Act and Board for Industrial and Financial Reconstruction

Passed in 1987, the Sick Industrial Company Act (SICA) is administered by the Board for Industrial and Financial Reconstruction (BIFR). It was designed for companies whose accumulated losses surpass the net equity of share capital. Companies in such a financial situation must refer themselves to the BIFR within sixty days of finalizing their audited financial statements. The

referral of a company triggers a judicial process which brings companies under the oversight of the BIFR. Then the BIFR supervises the process through which the companies restructure their debts and financial obligations. While under the BIFR, companies are shielded from any litigation.

On September 30, 2002, Essar's accumulated losses exceeded its net worth of equity capital. However, these results were not officially adopted until March 2003 by Essar's shareholders. Between September 2002 and March 2003, Essar's net worth exceeded its losses. The company had also entered its restructuring process under the CDR. As the company was in the process of rehabilitating its financial condition, the company sought an opinion as to whether it was necessary to refer itself, as a sick company, to the BIFR. The BIFR concluded that referral was not necessary, since the company's net worth became positive before the required notification period. Thus, Essar was never officially declared to be a ''sick company'' by the BIFR.

Consequently, we conclude that Essar never invoked protection under the BIFR, and therefore, we preliminarily find that Essar did not use this program during the POR.

Furthermore, we preliminarily find that Essar did not use the following programs during the POR.[6]

4. Advance Licenses

5. Exemption of Export Credit from Interest Taxes

6. Income Tax Deductions Under Section 80 HHC

7. Post-Shipment Export Financing

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for Essar subject to this administrative review, for 2001 and 2002. We preliminarily determine the total estimated net countervailable subsidy rate is 1.69 percent *ad valorem* for 2001 and 17.10 percent *ad valorem* for 2002.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the CBP, within 15 days of publication, to liquidate shipments of hot rolled steel from India entered, or withdrawn from warehouse, for consummption from April 20, 2001 through August 18, 2001 as well as from December 3, 2001 through December 31, 2001 at 1.69 percent *ad valorem* and and shipments of hot rolled steel from India entered, or withdrawn from warehouse, for consumption from January 1, 2002 through December 31, 2002 at 17.10 percent *ad valorem* of the f.o.b. invoice price on all shipments of the subject merchandise from Essar. Also, the rate of cash deposits of estimated countervailing duties will be set at 17.10 percent *ad valorem* for all shipments of hot rolled steel made by Essar from India entered or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review. The Department will issue appropriate instructions directly to the CBP within 15 days of the final results of this review.

Because the Uruguay Round Agreements Act (URAA) replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. A requested review will normally cover only those companies specifically named. *See* 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company v. United States*, 822 F. Supp. 782 (CIT 1993) and Floral Trade Council v. United States, 822 F. Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the pre-URA antidumping regulation on automatic assessment, which was identical to 19 CFR 355.22(g)). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct the CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding conducted under the URAA. *See HRC Amended Final*, 66 FR 60200. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period April 20, 2001 through December 31, 2002, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of the public announcement of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless otherwise indicated by the Department, case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs, unless otherwise specified by the Department. Parties who submit argument in this proceeding are requested to submit with the argument: (1) a statement of the issue, and (2) a brief summary of the argument. Parties submitting case and/or rebuttal briefs are requested to provide the Department copies of the public version on disk. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, thirty-seven days after the date of publication of these preliminary results.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of arguments made in any case or rebuttal briefs.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(I)(1) of the

[6] For descriptions of these previously examined programs, see, *e.g., CTL Plate from India.*

Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(I)(1)).

Dated: December 30, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–330 Filed 1–6–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 123103A]

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Protected Resources Committee, will hold a public meeting.

DATES: The meeting will be held on Tuesday, January 20, 2004, from 1 p.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Old Town Holiday Inn Select, 480 King Street, Old Town Alexandria, VA; telephone: 703-549-6080.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide an update on the status of bottlenose dolphin and right whale Take Reduction Team (TRT) activities.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: December 31, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–328 Filed 1–6–04; 8:45 am]

BILLING CODE 3510–22–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0395; FRL–7337–9]

Propoxycarbazone-sodium; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Kansas Department of Agriculture and the Oklahoma Department of Agriculture, Food, and Forestry to use the pesticide propoxycarbazone-sodium (CAS No. 181274–15–7) to treat up to 1,200,000 acres (Kansas) and 150,000 (Oklahoma) acres of wheat to control *Bromus* weed species. The applicants propose the use of a new chemical which has not been registered by EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments, identified by docket identification (ID) number OPP–2003–0395, must be received on or before January 22, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9364; fax number: (703) 308–5433; e-mail address: *Sec–18–Mailbox@epamail.epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are a Federal or State government agency involved in administration of environmental quality programs (i.e., Departments of Agriculture, Environment, etc). Potentially affected entities may include, but are not limited to:

- Federal or State Government Entity, (NAICS 9241), i.e., Departments of Agriculture, Environment, etc.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket ID number OPP–2003–0395. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through EPA's Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in EPA's Dockets. Information

claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2003–0395. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID Number OPP–2003–0395. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2003–0395.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2003–0395. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Kansas Department of Agriculture and the Oklahoma Department of Agriculture, Food, and Forestry have requested the Administrator to issue a specific exemption for the use of propoxycarbazone-sodium on wheat to control *Bromus* weed species. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of these requests, the applicants assert that in many winter wheat production areas infestations of *Bromus* weed species occur at or above economic threshold levels and are expected to cause economic loss if not controlled. In addition, use is to be limited to fields where growers must maintain options for subsequent crop rotation. The only available alternative, according to the applicants, has a long residual activity and very restrictive rotational guidelines.

The applicants propose to make no more than one application by ground or air at a maximum of 0.9 ounce product (70% active ingredient) per acre to a maximum of 1,200,000 acres of winter wheat in Kansas and 150,000 acres of winter wheat in Oklahoma. The proposed use period is from February 1, 2004 through April 30, 2004.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing:

1. ''Use of a new chemical (i.e., an active ingredient) which has not been registered by EPA.'' The notice provides an opportunity for public comment on the application.

2. The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Kansas Department of Agriculture and the Oklahoma Department of Agriculture, Food, and Forestry.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: Decenber 16, 2003.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 04–4 Filed 1–6–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0308; FRL–7325–6]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address: *mendelsohn.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0308. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, CrystalMall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at*http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. EUP

EPA has issued the following EUPs:

524–EUP–93. Amendment/extension. Monsanto Company, 800 N. Lindberg Blvd., St. Louis, MO 63167. This EUP allows the use of the plant-incorporated protectants MON863 x MON810 combined insecticidal trait stacked hybrids containing*Bacillus thuringiensis* Cry3Bb1 protein and the genetic

material necessary for its production (vector ZMIR13L) in corn MON 863 and*Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (vector PV-ZMCT01) in corn MON810 on 2,304 acres for breeding and observation nursery, inbred seed increase production, line per se and hybrid yield, insect efficacy, product characterization and performance/labeling, insect resistance management, non-target organism and benefit, and seed treatment trials. The program is authorized only in the States of Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. The EUP is effective from June 20, 2003 to December 31, 2003. Tolerance exemptions have been established for residues of the active ingredients in or on corn. In the **Federal Register** of April 23, 2003 (68 FR 19995) (FRL–7301–9), EPA announced the receipt of application for this EUP. No comments were received in response to the **Federal Register** notice.

524–EUP–96. Issuance. Monsanto Company, 800 N. Lindberg Blvd., St. Louis, MO 63167. This EUP allows the use of the plant-incorporated protectants ZMIR39 x MON810 combined insecticidal trait stacked corn hybrids along with ZMIR39 and MON810 corn hybrids; *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn ZMIR39 and*Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (vector PV-ZMCT01) in corn MON810 on 829.7 acres of field corn for breeding and observation nursery, inbred seed increase production, line per se and hybrid yield, insect efficacy, product characterization and performance/labeling, insect resistance management, non-target organism and benefit, seed treatment, swine growth and feed efficiency, dairy cattle feed efficiency, beef cattle growth and feed efficiency, and cattle grazing feed efficiency trials. The program is authorized only in the States of Alabama, California, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The EUP is effective from July 2, 2003 to December 31, 2003. Tolerance exemptions have been established for residues of the active ingredients in or on corn.

In the **Federal Register** of April 2, 2003 (68 FR 16050) (FRL–7286–2), EPA announced the receipt of application for this EUP. One comment, by the Sierra Club, was received in response to the**Federal Register** notice. The Sierra Club commented that EPA should require additional testing requirements in order to look for reproductive and chronic effects in the animal feeding trials. The Cry3Bb1 protein has not been shown to be toxic to humans and the Agency concluded on May 11, 2001 (66 FR 24061) (FRL–6781–6), that there is a reasonable certainty that no harm will result from aggregate exposure to the U.S. population, including infants and children, to the Cry3Bb1 protein and the genetic material necessary for their production in corn (40 CFR 180.1214). Accordingly, the Agency does not agree that such additional testing as requested by the Sierra Club is necessary. Nevertheless, although the Agency is not requiring Monsanto to modify its experimental program as requested by the Sierra Club in their comments, Monsanto must immediately notify the Agency of any findings from the experimental uses that have a bearing on safety (i.e., reporting to the Agency of any adverse effects from the use of, or exposure to, the pesticide is required).

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection, Experimental use permits.

Dated: December 19, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 04–87 Filed 1–6–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0299; FRL–7326–3]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address:*mendelsohn.mike@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0299. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, CrystalMall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at*http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/*

to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. EUP

EPA has issued the following EUP:

68467–EUP–4. Extension/amendment. Mycogen Seeds, c/o Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268–1054. This EUP allows the use of the plant-incorporated protectant *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (from the insert of plasmid PHP12537) in corn (moCry1F corn) on 291 acres of field corn to conduct insect resistance management, agronomic observation, breeding and observation nursery, efficacy, maize demonstration, and herbicide tolerance study trials. The program is authorized only in the States of Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin and the Commonwealth of Puerto Rico. EUP plantings are effective from April 11, 2003 to March 31, 2004.

In the **Federal Register** of March 7, 2003 (68 FR 11103) (FRL–7289–3), EPA announced the notice of receipt for the amendment/extension application (docket identification number OPP–2003–0016). Fifteen public comments were received in response to the notice. Commenters requested EPA not to issue the amendment/extension and expressed concern regarding food and environmental safety, gene flow, impacts on organic production, and the level of government oversight.First, moCry1F corn is covered by the tolerance exemption that permits Cry1F corn in food, 40 CFR 180.1217, (66 FR 30321) (FRL–6783–3). In granting that tolerance exemption, the Agency concluded that there is a reasonable certainty that no harm will result from aggregate exposure to the U.S. population, including infants and children, to the Cry1F protein and the genetic material necessary for its production. In addition, the approved experimental program submitted by Mycogen Seeds, c/o Dow AgroSciences LLC requires the destruction of seed or plant material resulting from this permit that are not saved for future research, analysis, or future plantings.This EUP was limited to 291 acres and moCry1F corn produces the Cry1F protein whose non-target organism toxicity was evaluated during the *Bt* Crops Reassessment in October 2001 (October 15, 2001 Plant-Incorporated Protectants Biopesticide Registration Action Document (pages II.C38-C44, VI.2), *http://www.epa.gov/pesticides/biopesticides/pips/bt_brad.htm*). In the Cry1F ecological effects testing done, no treatment-related effects were observed in bobwhite quail fed Cry1F corn as part of their diet. No measurable deleterious effects from the Cry1F protein on honey bees, parasitic wasps, ladybird beetles, green lacewings, collembola (springtails), earthworms, daphnia, and monarch butterflies were observed in submitted studies. The reassessment document also addresses the concern raised regarding impacts on organic production in its benefits section (II.E2-6). EPA's regional offices currently cooperate with State agencies in the enforcement of plant-incorporated protectant EUPs.

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection, Experimental use permits.

Dated: December 19, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 04–86 Filed 1–6–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7607–9]

The Feasibility of Performing Cumulative Risk Assessments for Mixtures of Disinfection By-Products in Drinking Water

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final report titled, ''The Feasibility of Performing Cumulative Risk Assessments for Mixtures of Disinfection By-Products in Drinking Water (EPA/600/R–03–051F),'' which was prepared by the U.S. Environmental Protection Agency's (EPA) National Center for Environmental Assessment (NCEA) of the Office of Research and Development (ORD).

DATES: This document will be available on or about January 7, 2004.

ADDRESSES: The document will be made available electronically through the NCEA Web site (*www.epa.gov/ncea*). A limited number of paper copies will be available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name, your mailing address, the title and the EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: The Technical Information Staff, National Center for Environmental Assessment/Cincinnati, Ohio office (MS–117), U.S. Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, OH 45268. Telephone: 513–569–7257; fax: 513–569–7475; e-mail: *nceadc.comment@epa.gov.*

SUPPLEMENTARY INFORMATION: In 1996, the Safe Drinking Water Act Amendments were passed, requiring the EPA to consider the risk assessment of contaminant mixtures in drinking water and prompting this current research on disinfection by-product (DBP) mixtures. Humans are exposed daily to hundreds of DBPs via oral, dermal, and inhalation routes. Some positive epidemiologic studies suggest cancer and reproductive/developmental effects are associated with consumption of chlorinated drinking water. However, in other epidemiologic studies significant health effects have not been observed, and current single-chemical toxicology studies fail to corroborate epidemiologic findings. Furthermore, human health risk estimates made using animal data based only on oral exposures do not reflect the same magnitude of risks found in positive epidemiologic studies. Thus, it is hypothesized that this difference can be accounted for by evaluating simultaneous exposures to multiple DBPs via all three exposure routes. This report addresses the feasibility of such an assessment, yielding the following interim results:

- Exposure estimates are made for an adult female and an adult male, each of reproductive age, and for a child (age 6) of total absorbed doses inclusive of exposures via oral, dermal and inhalation routes.
- Estimates are made for 13 major DBPs, accounting for human activity patterns that affect contact time with drinking water (*e.g.*, tap water consumed, time spent showering, building characteristics) and physicochemical properties of the DBPs (inhalation rates, skin permeability rates, blood:air partition coefficients, etc.).

• A novel cumulative risk assessment method, Cumulative Relative Potency Factors, is advanced that integrates the principles of dose addition and response addition to produce multiple-route, chemical mixture risk estimates using total absorbed doses.

The report acknowledges the need for additional research, such as, to conduct a more complete uncertainty and sensitivity analysis on the exposure estimates, and to conduct a more comprehensive analysis of toxic mode of action for the DBPs. This report makes two significant contributions to the science. First, external exposure modeling is conducted and linked with physiologically-based pharmacokinetic modeling to produce internal dose measures of drinking water disinfection by-products (DBPs) for multiple route exposures to be used in mixture risk assessments. Thus, a comprehensive exposure estimate is made for 13 of the major DBPs of concern, including the four trihalomethanes and five haloacetic acids that are currently regulated. Second, a mixtures risk assessment method, based on additivity concepts is proposed to logically evaluate human health risks using total internal doses and oral toxicology dose-response data based on knowledge or assumptions regarding toxic mode of action. This new method is a novel approach to evaluating multiple route exposures that can be generalized for the evaluation of other environmental mixtures.

Dated: December 23, 2003.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. 04–322 Filed 1–6–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7607–8]

Developing Relative Potency Factors for Pesticide Mixtures: Biostatistical Analyses of Joint Dose-Response

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final report titled, ''Developing Relative Potency Factors for Pesticide Mixtures: Biostatistical Analyses of Joint Dose-Response (EPA/600/R–03–052F),'' which was prepared by the U.S. Environmental Protection Agency's (EPA) National Center for Environmental Assessment (NCEA) of the Office of Research and Development (ORD).

DATES: This document will be available on or about January 7, 2004.

ADDRESSES: The document will be made available electronically through the NCEA Web site (*www.epa.gov/ncea*). A limited number of paper copies will be available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name, your mailing address, the title and the EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: The Technical Information Staff, National Center for Environmental Assessment/Cincinnati Office (MS–117), U.S. Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, OH 45268. Telephone: 513–569–7257; fax: 513–569–7475; e-mail: *nceadc.comment@epa.gov.*

SUPPLEMENTARY INFORMATION: In 1996, the Food Quality Protection Act and the Safe Drinking Water Act Amendments were passed, each requiring the EPA to consider the risk assessment of chemical mixtures. This report responds to the need for risk assessment research on pesticide mixtures and on chemicals of concern in drinking water. The Relative Potency Factor (RPF) approach is a general methodology for applying dose addition to mixtures of chemicals that produce toxicity by the same toxic mode of action. The current report develops biological concepts and statistical procedures for improving applications of the RPF approach, advancing the theoretical basis for RPF-based risk assessments. New quantitative methods that extend the application of RPFs are shown, addressing the important question of how to assess a mixture containing some chemicals that share a common toxic mode of action and other chemicals that do not. This research was undertaken to continue exploring and developing mixture risk assessment strategies beyond current applications and is intended to enrich the available library of mixture risk assessment methods for future applications of RPF-based risk assessments. This report provides a new set of methods to handle groups of chemicals with more than one toxic mode of action represented. Dose-response modeling techniques are shown, and two algorithms are provided for grouping chemicals into mode of action subclasses that can be modeled with a common slope parameter. The report details approaches to estimate health risks based on the mode of action subclasses and shows a conceptual approach for estimating a Reference Dose for a mixture using these methods.

Dated: December 23, 2003.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. 04–321 Filed 1–6–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7608–1]

Analysis of Laboratory and Field Studies of Reproductive Toxicity in Birds Exposed to Dioxin-Like Compounds for Use in Ecological Risk Assessment

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final report titled, Analysis of Laboratory and Field Studies of Reproductive Toxicity in Birds Exposed to Dioxin-Like Compounds for Use in Ecological Risk Assessment (EPA/600/R–03/114F), which was prepared by the U.S. Environmental Protection Agency's (EPA) National Center for Environmental Assessment (NCEA) of the Office of Research and Development (ORD).

DATES: This document will be available on or about January 7, 2004.

ADDRESSES: The document will be made available electronically through the NCEA Web site (*http://www.epa.gov/ncea*). A limited number of paper copies will be available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name, your mailing address, the title and the EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: The Technical Information Staff, National Center for Environmental Assessment/Cincinnati Office (MS–117), U.S. Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, OH 45268. Telephone: 513–569–7257; fax: 513–569–7475; e-mail: *nceadc.comment@epa.gov*.

SUPPLEMENTARY INFORMATION: Coplanar PCBs and other dioxin-like chemicals are common environmental contaminants and risks to wildlife are a significant issue as demonstrated by

observed reproductive effects on birds and other wildlife. However, a number of scientific and technical issues are involved in performing the needed assessments such as the proper treatment of mixtures, identification of the critical effects, and proper exposure metrics. This report explains the proper use of data for individual congeners and identifies developmental effects from *in ovo* exposures as the proper endpoint. It also deals with the problem of evaluating a large and heterogeneous literature by identifying a set of appropriate avian toxicity data. Another assessment issue is the lack of a standard or generally accepted method for modeling effects on wildlife or calculating screening benchmarks. This problem is exacerbated by the fact that wildlife test methods are not well standardized, except in pesticide registration. Hence, although there is a plethora of test data for dioxin-like chemicals and wildlife, relatively little of it was suitable for assessment. Finally, the chronic data were not as useful as they could have been, because test results in the literature were nearly always expressed as statistically significant concentrations rather than biological effects levels. The report presents alternative ways to deal with these issues.

Dated: December 23, 2003.

Peter W. Preuss, Director,

National Center for Environmental Assessment.

[FR Doc. 04–323 Filed 1–6–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011284–054.

Title: Ocean Carrier Equipment Management Association Agreement (''OCEMA'').

Parties: APL Co. Pte. Ltd.; American President Lines, Ltd.; A.P. Moller-Maersk A/S, trading under the name of Maersk Sealand; CMA CGM, S.A.; Compania Sudamericana de Vapores, S.A.; Evergreen Marine Corp. (Taiwan) Ltd.; Hanjin Shipping Co., Ltd.; Hamburg-Südamerikanische Dampfschifffahrts-Gesellschaft KG; Hapag-Lloyd Container Linie GmbH; Hyundai Merchant Marine Co. Ltd.; Mitsui O.S.K. Lines Ltd.; Lykes Lines Limited, LLC; TMM Lines Limited, LLC; Contship Containerlines, a division of CP Ships (UK) Limited; Australia-New Zealand Direct Line, a division of CP Ships (UK) Limited; Orient Overseas Container Line Limited; P&O Nedlloyd Limited; P&O Nedlloyd B.V.; Nippon Yusen Kaisha Line; Yangming Marine Transport Corp.; COSCO Containerlines Company Limited; Kawasaki Kisen Kaisha, Ltd.; and Crowley Maritime Corporation.

Synopsis: The proposed agreement amendment would delete provisions allowing for associate membership and add language that describes more specifically the agreement authority regarding charges relating to the interchange of ocean carrier equipment.

Agreement No.: 011517–009.

Title: APL/HSDG/Lykes/Evergreen Vessel Sharing Agreement.

Parties: American President Lines Ltd./APL Co, PTE LTD, Hamburg-Südamerikanische Dampfschifffahrts-Gesellschaft KG, Lykes Lines Limited, LLC, and Evergreen Marine Corp (Taiwan) Ltd.

Synopsis: The amendment amends the trade names and addresses of certain of the parties, changes the name of the agreement and restates the agreement.

Agreement No.: 011741–006.

Title: U.S. Pacific Coast-Oceania Agreement.

Parties: A.P. Moller-Maersk A/S, trading under the name of Maersk Sealand; Australia-New Zealand Direct Line, a division of CP Ships (UK) Limited/Lykes Lines Limited LLC; FESCO Ocean Management Limited; Hamburg-Südamerikanische Dampfschifffahrts-Gesellschaft KG; P&O Nedlloyd Limited/P&O Nedlloyd B.V.

Synopsis: The proposed agreement amendment would add provisions allowing the parties to alter the number of vessels they deploy, within a limited range, without amending their agreement.

Dated: December 31, 2003.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle, Secretary.

[FR Doc. 04–250 Filed 1–6–04; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 30, 2004.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. City Bancorp, Springfield, Missouri; to merge with Signature Bancshares, Inc., Springfield, Missouri, and thereby indirectly acquire Signature Bank, Springfield, Missouri.

Board of Governors of the Federal Reserve System, December 31, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–248 Filed 1–6–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 20, 2004.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. Marantz Group, LP, Springfield, Illinois and its general partner, Tom E. Marantz, Springfield, Illinois; to retain voting shares of Staun Bancorp, Inc., Staunton, Illinois, and thereby indirectly retain voting shares of First Community State Bank, Staunton, Illinois.

2. Joseph Thomas McLane, Poplar Bluff, Missouri; to become a trustee of Midwest Bancorporation Inc. and Affiliates Employee Stock Ownership Plan, Poplar Bluff, Missouri, and thereby indirectly gain control of Midwest Bancorporation, Inc., Poplar Bluff, Missouri, First Midwest Bank of Carter County, Van Buren, Missouri, First Midwest Bank of Dexter, Dexter, Missouri, and First Midwest Bank of Piedmont, Piedmont, Missouri.

Board of Governors of the Federal Reserve System, December 31, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–249 Filed 1–6–04; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–37]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

Agency: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS), Department of Health and Human Services, 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 and 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.

We are, however, requesting an emergency review of the information collection referenced below. 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 before the expiration of the normal time limits under OMB's regulations at 5 CFR Part 1320. We cannot reasonably comply with the normal clearance procedures because of possible public harm.

CMS is proposing to minimize disruption to State operations and the reduction of unnecessary expenditures to the Federal government by modifying the collection requirements associated with the CMS–37 information collection package. In particular, CMS will begin to require the States to submit up-front documentation to support the budget and expenditure information currently captured on the CMS–37 ''Medicaid Program Budget Report''. This will enable CMS to identify and resolve any potential funding and/or expenditure issues with the States prior to the budget actually being formulated and/or implemented and the expenditures actually paid and claimed by the States.

CMS is requesting OMB review and approval of this collection by January 9, 2004, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by January 8, 2004.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Medicaid Program Budget Report; *Form No.:* CMS–37, OMB # 0938–0101; *Use:* The Medicaid Program Budget Report is prepared by the State Medicaid Agencies and is used by CMS for (1) developing National Medicaid Budget estimates, (2) qualification of Budget Assumptions, (3) the issuance of quarterly Medicaid Grant Awards, and (4) collection of projected State receipts of donations and taxes; *Frequency:* Quarterly; *Affected Public:* State, local, and/or tribal governments; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 8,064.

We have submitted a copy of this notice to OMB for its review of these information collections. To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Jburke3@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–4194.

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 recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by January 8, 2004:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances, Attention: Julie Brown, CMS–37, Room C5–16–03, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

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: Brenda Aguilar, CMS Desk Officer (CMS–37).

Dated: December 29, 2003.

John P. Burke III,

CMS Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–382 Filed 1–5–04; 3:11 pm]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003N–0424]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Substantial Evidence of Effectiveness of New Animal Drugs

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information 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: Fax written comments on the collection of information by February 6, 2004.

ADDRESSES: The Office of Management and Budget is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance

Substantial Evidence of Effectiveness of New Animal Drugs—21 CFR Part 514 (OMB Control Number 0910–0356)—Extension

Congress enacted the Animal Drug Availability Act of 1996 (ADAA) (Public Law 104–250) on October 9, 1996. As directed by ADAA, FDA published a regulation under § 514.4(a) (21 CFR 514.4(a)), to further define substantial evidence in a manner that encourages the submission of new animal drug applications (NADAs) and supplemental NADAs and encourages dose range labeling. Under ADAA, substantial evidence is the standard that a sponsor must meet to demonstrate the effectiveness of a new animal drug for its intended use under the conditions suggested in its proposed labeling. Section 514.4(a) gives FDA greater flexibility to make case-specific scientific determinations regarding the number and types of adequate and well-controlled studies that will provide, in an efficient manner, substantial evidence that a new animal drug is effective. FDA believes this regulation will reduce the number of adequate and well-controlled studies necessary to demonstrate the effectiveness of certain combination new animal drugs, will eliminate the need for an adequate and well-controlled dose titration study, and may, in limited instances, reduce or eliminate the number of adequate and well-controlled field investigations necessary to demonstrate by substantial evidence the effectiveness of a new animal drug. Table 1 of this document represents the estimated burden of meeting the substantial evidence standard.

In the **Federal Register** of September 19, 2003 (68 FR 54905), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of 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
514.4(a)	190	4.5	860	632.6	544,036

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: December 30, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–256 Filed 1–6–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003N–0565]

Agency Information Collection Activities; Proposed Collection; Comment Request; Generic Food and Drug Administration Rapid Response Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the use of rapid response surveys to obtain data on safety information to support quick-turnaround decision making about potential safety problems or risk management solutions from health care professionals, hospitals and other user-facilities (e.g., nursing homes, etc.), consumers, manufacturers of biologics, drugs and medical devices, distributors, and importers when FDA must quickly determine whether or not a problem with a biologic, drug, or medical device impacts the public health.

DATES: Submit written or electronic comments on the collection of information by March 8, 2004.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the

docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (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. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Generic FDA Rapid Response Surveys (OMB Control Number 0910–0500)—Extension

Section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), requires that important safety information relating to all human prescription drug products be made available to FDA so that it can take appropriate action to protect the public health when necessary. Section 702 of the act (21 U.S.C. 372) authorizes investigational powers to FDA for enforcement of the act. Under section 519 of the act (21 U.S.C. 360i), FDA is authorized to require manufacturers to report medical device-related deaths, serious injuries, and malfunctions to FDA, and to require user facilities to report device-related deaths directly to FDA and to manufacturers, and to report serious injuries to the manufacturer. Section 522 of the act (21 U.S.C. 360l) authorizes FDA to require manufacturers to conduct postmarket surveillance of medical devices. Section 705(b) of the act (21 U.S.C. 375(b)) authorizes FDA to collect and disseminate information regarding medical products or cosmetics in situations involving imminent danger to health or gross deception of the consumer. Section 903(d)(2) of the act (21 U.S.C. 393(d)(2)) authorizes the Commissioner of Food and Drugs to implement general powers (including conducting research) to carry out effectively the mission of FDA. These sections of the act enable FDA to enhance consumer protection from risks associated with medical products usage that are not foreseen or apparent during the premarket notification and review process. FDA's regulations governing application for agency approval to market a new drug (21 CFR part 314) and regulations governing biological products (21 CFR part 600) implement these statutory provisions. Currently FDA monitors medical product related postmarket adverse events via both the mandatory and voluntary MedWatch reporting systems using FDA Forms 3500 and 3500A (OMB control number 0910–0291) and the vaccine adverse event reporting system. FDA is seeking OMB clearance to collect vital information via a series of rapid response surveys. Participation in these surveys will be voluntary. This request covers rapid response surveys for community based health care professionals, general type medical facilities, specialized medical facilities (those known for cardiac surgery, obstetrics/gynecology services, pediatric services, etc.), other health care professionals, patients, consumers, and risk managers working in medical facilities. FDA will use the information gathered from these surveys to obtain quickly vital information about medical product risks and interventions to reduce risks so the agency may take appropriate public health or regulatory action including dissemination of this information as necessary and appropriate.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
200	30 (maximum)	6,000	0.5	3,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA projects 30 emergency risk-related surveys per year with a sample of between 50 and 200 respondents per survey. FDA also projects a response time of 0.5 hours per response. These estimates are based on the maximum sample size per questionnaire that FDA can analyze in a timely manner. The annual frequency of response was determined by the maximum number of questionnaires that will be sent to any individual respondent. Some respondents may be contacted only 1 time per year, while other respondents may be contacted several times annually, depending on the human drug, biologic, or medical device under evaluation. It is estimated that, given the expected type of issues that will be addressed by the surveys, it will take 0.5 hours for a respondent to gather the requested information and fill in the answers.

Dated: December 30, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–258 Filed 1–6–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225–04–4001]

Memorandum of Understanding Between the Food and Drug Administration and Customs and Border Protection, Department of Homeland Security

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between the Food and Drug Administration and Customs and Border Protection (CBP), Department of Homeland Security to allow FDA to commission CBP officers.

DATES: The agreement became effective December 3, 2003.

FOR FURTHER INFORMATION CONTACT: Deborah Ralston, Office of Regional Operations (HFC–100), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6230.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and MOUs between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this MOU.

Dated: December 29, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

BILLING CODE 4160–01–S

225-04-4001

MEMORANDUM OF AGREEMENT BETWEEN CUSTOMS AND BORDER PROTECTION AND THE FOOD AND DRUG ADMINISTRATION

1. **Parties.** The parties to this Memorandum of Understanding (MOU) are Customs and Border Protection (CBP), Department of Homeland Security, and the Food and Drug Administration (FDA), Department of Health and Human Services.

2. **Authority.** The authorities for entering into this MOU are the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 372 and 381(m), 19 C.F.R § 12.1, 19 C.F.R. § 147.23, and 44 U.S.C. § 3510.

3. **Purpose.** The purpose of this MOU is to allow FDA to commission CBP officers. These commissioned officers will assist FDA with examinations and investigations pursuant to, or based on information obtained under, the prior notice requirements found in 21 U.S.C. § 381(m) and its implementing regulations, at ports and other facilities and locations subject to CBP jurisdiction.

4. **Responsibilities.**

   A. The Food and Drug Administration agrees:

      1. To commission all CBP officers deemed necessary by the Commissioners of CBP and FDA to conduct examinations and investigations in accordance with the prior notice requirements in 21 U.S.C. § 381(m) and its implementing regulations.

      2. To provide appropriate training for the commissioned officers and employees that would allow them to conduct FDA examinations and investigations subject to this MOU.

      3. To provide 24 hour operational and technical assistance to CBP for the stated purpose of this MOU.

      4. To reimburse CBP for costs for training and costs incurred while performing FDA functions for which the CBP officers have been commissioned. Such reimbursement shall be pursuant to the terms of an interagency agreement to be negotiated between FDA and CBP.

      5. To not disclose information received from CBP unless CBP approves, in advance, its disclosure in writing, including information contained in CBP databases.

6. To share information with CBP to fulfill the stated purpose of this MOU, such as information relating to bioterrorism threats, except as restricted by law.

7. To jointly develop and implement additional agreements and plans to help fulfill the stated purpose of this MOU.

B. Customs and Border Protection agrees:

1. To assist FDA in the execution of the prior notice requirements in 21 U.S.C. § 381(m) and its implementing regulations.

2. To collect samples upon FDA's request, and to forward those samples to FDA for analysis.

3. To collect and analyze samples upon FDA's request and to forward the results of the CBP analyses to FDA.

4. To share information with FDA to fulfill the stated purpose of this MOU.

5. To not disclose information received from FDA unless FDA approves, in advance, its disclosure in writing, including information contained in FDA databases.

6. To jointly develop and implement additional agreements and plans to help fulfill the stated purpose of this MOU.

5. **Date Effective.** The terms of this MOU will become effective upon signature of the parties. They will remain in effect until either modified or terminated as described in this MOU.

6. **Modification.** This MOU may be modified upon the mutual written consent of the Commissioner of Customs and Border Protection and the Commissioner of the Food and Drug Administration.

7. **Confidentiality.** CBP and FDA agree that any sharing of non-public information pursuant to this agreement will occur according to all applicable laws and regulations. Each agency understands that disclosure by the recipient of nonpublic information could be a violation of federal law.

8. **Termination.** Either party may revoke this MOU upon 30 days written notice.

9. **Severability Clause.** Nothing in this MOU is intended to conflict with the current laws, regulations, or directives of CBP or FDA. If a term of this MOU is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOU shall remain in full force and effect.

10. **Emergency Situations.** In the event that a national or regional disaster disrupts communications between FDA and CBP, an emergency contingency plan shall become operational. The procedures of that system are to be agreed upon in an annex to this MOU.

11. **No Private Right of Action Created.** This intra-governmental MOU is not intended to create or confer any rights, privileges, or benefits for any private person or party.

12. **Relationship to Other Authorities.** Nothing in this MOU is intended to restrict CBP or FDA from taking any action that the agencies would be otherwise authorized to take under law.

13. **Contact Information for Liaison Offices.** The following offices will act as liaisons between FDA and CBP for the purpose of coordinating the implementation of this MOU:

A. Contact for FDA:
Director, Office of Regional Operations
Office of Regulatory Affairs
Food and Drug Administration
Rockville, MD 20857
(301) 443-6230

B. Contact for CBP:

Director, Special Enforcement
Office of Field Operations
Trade Compliance and Administration
Customs and Border Protection
Department of Homeland Security
(202) 927-0300

The undersigned approve the terms and conditions of this MOU and represent that they have the requisite authority to enter into it.

Douglas M. Browning, Deputy Commissioner
United States Customs and Border Protection
Department of Homeland Security

Date: 12/3/03

Mark B. McClellan, M.D., Ph.D.
Commissioner of Food and Drugs
Department of Health and Human Services

Date: Dec 3 2003

[FR Doc. 04–260 Filed 1–6–04; 8:45 am]
BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0571]

Draft Guidance for Industry on Drug Substance; Chemistry, Manufacturing, and Controls Information; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Drug Substance: Chemistry, Manufacturing, and Controls Information.'' This draft guidance provides recommendations on the chemistry, manufacturing, and controls (CMC) information for drug substances that should be submitted to support original new drug applications (NDAs), abbreviated new drug applications (ANDAs), new animal drug applications (NADAs), and abbreviated new animal drug applications (ANADAs). The draft guidance is structured to facilitate the preparation of applications submitted in Common Technical Document (CTD) format.

DATES: Submit written or electronic comments on the draft guidance by July 5, 2004. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Steve Miller, Center for Drug Evaluation and Research (HFD–530), Food and Drug Administration, 9201 Corporate Blvd., Rockville, MD 20850, 301–827–2392, or

Chris Joneckis, Center for Biologics Evaluation and Research (HFM–1), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301–435–5681, or

Dennis Bensley, Center for Veterinary Medicine (HFV–143), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6956

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Drug Substance: Chemistry, Manufacturing, and Controls Information.'' This draft guidance provides recommendations on the drug substance information to be submitted in NDAs, ANDAs, NADAs, and ANADAs to ensure continued drug substance and drug product quality (i.e., the identity, strength, quality, purity, and potency). Recommendations are provided on the information that should be included for: (1) Nomenclature, structure, and general drug substance properties, (2) manufacture, (3) characterization, (4) control of drug substance, (5) reference standards or materials, (6) container closure system, and (7) stability. The draft guidance is structured to facilitate the preparation of applications submitted in CTD format. The draft guidance, when finalized, will replace the guidance entitled ''Submitting Supporting Documentation in Drug Applications for the Manufacture of Drug Substance'' (February 1987).

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in this guidance was approved under OMB control numbers 0910–0001 and 0910–0032.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance represents the

agency's current thinking on these topics. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance . Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: December 30, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–259 Filed 1–6–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 2002N–0276 and 2002N–0278]

Small Entity Compliance Guides on Registration of Food Facilities and Prior Notice of Imported Food; Correction.

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that appeared in the **Federal Register** of December 12, 2003 (68 FR 69408). This document is being republished in its entirety and will read as follows: The Food and Drug Administration (FDA) is announcing the availability of small entity compliance guides (SECGs) for the interim final rules on Registration of Food Facilities and Prior Notice of Imported Food issued under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act). Both interim final rules published in the **Federal Register** of October 10, 2003. These SECGs are intended to help small businesses better understand the registration and prior notice regulations.

DATES: Submit written or electronic comments on the SECGs at any time.

ADDRESSES: Submit written comments concerning these SECGs to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments on the SECGs to *http://www.fda.gov/dockets/ecomments*.

Submit requests for single copies of one or both SECGs to the Prior Notice help desk by telephone at 1–800–216–7331 (within the United States) or 301–575–0156 (outside the United States), by FAX: 301–210–0247, or by e-mail: furls@fda.gov. See the **SUPPLEMENTARY INFORMATION** section for electronic access to these SECGs.

FOR FURTHER INFORMATION CONTACT: Questions Concerning Registration: Nina Adler, Division of Compliance Policy (HFC–230), Office of Enforcement, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0417, FAX 301–827–0482; or Judith Gushee, Center for Food Safety and Applied Nutrition (HFS–605), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD, 20740, 301–436–2417.

Questions Concerning Prior Notice: Deborah Ralston, Office of Regulatory Affairs, Office of Regional Operations (HFC–100), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6230.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 10, 2003 (68 FR 58894 and 68 FR 58974), FDA issued two interim final rules to implement sections 305 (Registration of Food Facilities) and 307 (Prior Notice of Imported Food) of the Bioterrorism Act. The registration interim final rule requires domestic and foreign facilities that manufacture/process, pack, or hold food for human or animal consumption in the United States to register with FDA by December 12, 2003. The prior notice interim final rule requires the submission to FDA of prior notice of food, including animal feed, that is imported or offered for import into the United States beginning on December 12, 2003.

We examined the economic implications of these interim rules as required by the Regulatory Flexibility Act (5 U.S.C. 601–612) and determined that they would have a significant economic impact on a substantial number of small entities.

In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Public Law 104–121), we are making available these SECGs that explain the requirements of these regulations.

FDA is issuing these SECGs as level 2 guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115(c)(2)). These SECGs restate, in simplified format and language, FDA's current requirements for Registration of Food Facilities and Prior Notice of Imported Food. As guidance, these documents are not binding on either FDA or the public. FDA notes, however, that the regulations that serve as the basis for these guidance documents establish requirements for all covered activities. For this reason, FDA strongly recommends that affected parties consult the regulations at 21 CFR part 1, subparts H and I, in addition to reading these SECGs.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding these SECGs. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the applicable docket number(s) found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain these SECGs at *http://www/cfsan.fda.gov/guidance.html*.

Dated: December 29, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–257 Filed 1–6–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Secretary's Advisory Committee on Xenotransplantation (SACX).

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Secretary's Advisory Committee on Xenotransplantation.

Date: February 24, 2004.

Open: February 24, 2004; 8 a.m. to 5:30 p.m.

Agenda: The SACX will focus on a variety of issues relating to the science and ethics of xenotransplantation. A significant portion of the meeting will be devoted to discussion of two draft reports by the SACX. These draft reports address the state of the science in xenotransplantation and informed consent issues in xenotransplantation. Additional presentations and discussion will focus on recent advances in xenotransplantation research, including a report of a clinical study of porcine islet xenotransplantation in type 1 diabetic patients.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Pre-Registration: The SACX meeting is open to the public; however, seating is limited and pre-registration is encouraged. To register, please contact Capital Consulting Corporation (Terry Fisher) at 301–468–6004, extension 434. Individuals who plan to attend the meeting and who need special assistance or other reasonable accommodations should notify Ms. Fisher prior to the meeting.

Public Comment: Individuals who wish to provide public comment (oral or written) should contact the SACX Executive Director, Dr. Mary Groesch, by telephone at 301–496–0785 or e-mail at *groeschm@od.nih.gov*.

Contact Person: Mary Groesch, Ph.D., Executive Director, Secretary's Advisory Committee on Xenotransplantation, Office of Science Policy, Rockledge I, Room 750, Bethesda, MD 20892, 301–496–9838.

Information is also available on the Office's home page: *http://www4.od.nih.gov/oba/Sacx.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: December 31, 2003.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–255 Filed 1–6–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Immune Escape in Human Cancer: Mechanisms and Therapeutic Implications.

Date: January 19–21, 2004.

Time: 7 p.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard By Marriott Shadyside/Oakland, 5308 Liberty Avenue, Pittsburgh, PA 15224.

Contact Person: Shakeel Ahmad, Ph.D., Scientific Review Administrator, Research Programs Review Branch, National Cancer Institute, Division of Extramural Activities, 6116 Executive Blvd., Bethesda, MD 20892, (301) 594–0114, *amads@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: December 30, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–253 Filed 1–6–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: January 8, 2004.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Washington, DC.

Contact Person: Rudy O. Pozzatti, PhD., Scientific Review Administrator.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: December 31, 2003.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–254 Filed 1–6–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should

notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: February 11–12, 2004.

Closed: February 11, 2004, 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Open: February 12, 2004, 9 a.m. to 3:30 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative and program developments in the drug abuse field.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: December 31, 2003.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–251 Filed 1–6–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, ''Technical Support for Constituency Outreach and Research Dissemination''.

Date: January 22, 2004.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Room 220, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1439.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: December 31, 2003.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–252 Filed 1–6–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Substance Abuse Prevention and Treatment Block Grant Regulations—45 CFR Part 96 (OMB No. 0930–0163; Extension, no change)

These regulations provide guidance to States regarding the Substance Abuse Prevention and Treatment Block Grant legislation, including the information collection requirements regarding the sale or distribution of tobacco products to individuals under age eighteen. The rule implements the reporting and recordkeeping requirements of 42 U.S.C. 300x21–35 and 51–64 by specifying the content of the States' annual reports on and application for block grant funds. The reporting burden hours are counted towards the total burden for the Substance Abuse Prevention and Treatment Block Grant Application Format (OMB No. 0930–0080) and the Substance Abuse Prevention and Treatment Block Grant Synar Report Format (OMB No. 0930–0222) for which separate approval is obtained. The total annual reporting and recordkeeping burden estimate is shown below:

45 CFR citation	Number of respondents [6]	Responses/respondent	Hours/response	Total hour burden
Reporting Burden				
Annual Report:				
96.122(d) [1]	60	1	0	0
96.122(f)(1)–(5)(iv); 96.126(f)	60	1	152	9,120
96.122(f)(5)(v) [2]	59	1	2	118
96.122(f)(6) [3]	0	0	0	0
96.130(e)(1–3)	59	1	15	885
96.134(d)	60	1	16	960
State Plan:				
96.122(g)	60	1	162	9,720

45 CFR citation	Number of respondents [6]	Responses/respondent	Hours/response	Total hour burden
96.124(c)(1)	60	1	40	2,400
96.127(b)	60	1	8	480
96.130(e)(4,5)	59	1	14	826
96.130(g)	59	1	5	295
96.131(f)	60	1	8	480
96.133(a)	60	1	80	4,800
Waivers [4]:				
96.124(d)	0	1	40	0
96.132(d)	0	1	16	0
96.134(b)	3	1	40	120
96.135(d)	0	1	8	8
TOTAL Reporting Burden [5]	60	—	—	30,206
Recordkeeping Burden				
96.129(a)(13)	60	1	16	960

[1] There was a one-time burden associated with change of the due date for the annual report effective with the FY 2001 application.
[2] This is a requirement to report on activities to implement SAMHSA's charitable choice legislation and regulations promulgated in September 2003 at 42 CFR part 54; information collection language for this requirement is approved under OMB control number 0930–0242.
[3] This section describes Synar requirements for the first applicable year, which has passed for all States. Therefore, no burden is associated with this section.
[4] The number of respondents per year for the waiver requests is based on actual experience over the past several years.
[5] All reporting burden associated with the annual reports, state plan, and waivers is approved under OMB control numbers 0930–0080 and 0930–0242. Only the information collection language in the regulation and the recordkeeping burden are approved under OMB control number 0930–0163.
[6] Synar reporting requirements do not pertain to the Red Lake Band of the Chippewa Indians of Minnesota and thus have 59 rather than 60 respondents.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: December 30, 2003.

Anna Marsh,

Acting Executive Officer, SAMHSA.

[FR Doc. 04–265 Filed 1–6–04; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List the Eastern Subspecies of the Greater Sage-Grouse as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding for a petition to list the eastern subspecies of the greater sage-grouse (*Centrocercus urophasianus urophasianus*) as endangered under the Endangered Species Act of 1973, as amended. We find that the petition does not present substantial scientific or commercial information indicating that listing this subspecies may be warranted. This finding is based on our determination that there is a lack of evidence to indicate that the eastern sage-grouse is a valid subspecies, and our determination that the eastern population of sage-grouse does not constitute a Distinct Population Segment (DPS). We will not be initiating a further status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of the species or threats to it. This information will help us monitor and encourage the conservation of the species.

DATES: The finding announced in this document was made on January 2, 2004. You may submit new information concerning this species for our consideration at any time.

ADDRESSES: The complete file for this finding is available for inspection, during normal business hours, at the Wyoming Ecological Services Field Office, U.S. Fish and Wildlife Service, 4000 Airport Parkway, Cheyenne, Wyoming 82001. Submit new information, materials, comments, or questions concerning this taxon to the Service at the above address.

FOR FURTHER INFORMATION CONTACT: Brian T. Kelly, at the address given in the **ADDRESSES** section (telephone 307–772–2374; facsimile 307–772–2358).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We are to base this finding on all information available to us at the time we make the finding. To the maximum extent practicable, we must make this finding within 90 days of receiving the petition and publish a notice of the finding promptly in the **Federal Register**. Our standard for substantial information with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If our finding is that substantial information was presented, we are required to promptly begin a review of the status of the species, if one has not already been initiated under our internal candidate assessment process. In order to determine if substantial information is available, the Service reviewed the subject petition, literature cited in the petition, information provided by recognized experts or agencies cited in

the petition, and information otherwise available in Service files.

On July 3, 2002, the Institute for Wildlife Protection submitted a petition requesting that we list the eastern subspecies of the greater sage-grouse (*Centrocercus urophasianus urophasianus*) as endangered. One part of the petition states that the eastern subspecies of the greater sage-grouse occurs in eastern Oregon, California, Nevada, Colorado, Idaho, Utah, Wyoming, Montana, South Dakota, and North Dakota, and another part of the petition notes that the present range also includes southern Alberta and Saskatchewan, Canada. The petition clearly identified itself as such and contained the name, address, and signature of the petitioning organization's representative. Accompanying the petition was information related to the taxonomy, life history, demographics, movements, habitats, threats, and the past and present distribution of eastern sage-grouse. The petitioner contends that both the range of the eastern sage-grouse and the number of individuals have decreased significantly, and that the subspecies has become isolated into a series of fragmented populations.

Previously, on January 24, 2002, the Institute for Wildlife Protection submitted a petition requesting that we list the western subspecies of the greater sage-grouse (*C. u. phaios*) as either threatened or endangered. In our 90-day finding on the western subspecies petition, dated February 7, 2003 (68 FR 6500), we determined that the petition did not present substantial scientific or commercial information indicating that listing the western subspecies was warranted. We based our finding on a lack of scientific evidence to support a separation of the greater sage grouse into eastern and western subspecies, and our determination that the western population of sage-grouse did not constitute a distinct population segment (DPS).

In a letter dated March 19, 2003, the petitioner acknowledged (but did not agree with) our position that there is no basis for recognizing subspecies of the greater sage-grouse, and requested that the Service combine the petitions for the western and eastern subspecies of the greater sage-grouse into one petition to list the species as endangered. We have treated this request as a new petition to list the greater sage-grouse. In addition, we have two other petitions to list the greater sage-grouse. One of those petitions was from Mr. Craig C. Dremann, dated June 18, 2002, to list the greater sage-grouse as endangered. Mr. Dremann's petition summarizes several threats to the species based on his review of Barrett *et al.* 2000. The other petition, dated December 22, 2003, was submitted to us by the American Lands Alliance and 19 other organizations, requesting that we list the greater sage-grouse as endangered. We intend to address all outstanding petitions to list the greater sage-grouse within 90 days of the latest petition (by March 29, 2004) subject to legal commitments, resource limitations and competing priorities.

This 90-day petition finding is made in accordance with a court order that requires us to complete a finding on the petition to list the eastern subspecies of the greater sage-grouse within 90 days of October 3, 2003 (*Institute for Wildlife Protection Inc., et al.* v. *Norton et al.* (C03–05006–RBL)).

Biology and Distribution

Our 90-day petition finding on the western subspecies of greater sage-grouse, dated February 7, 2003 (68 FR 6500), presented detailed information regarding the description, natural history, and distribution of the greater sage-grouse (*C. urophasianus*) (sage-grouse) (American Ornithologists' Union (AOU) 2000), taken from the following sources: Aldrich 1963; Johnsgard 1973; Connelly *et al.* 1988; Connelly *et al.* 2000; Fischer *et al.* 1993; Drut 1994; Western States Sage and Columbian Sharp-tailed Grouse Technical Committee (WSSCSTGTC) 1996 and 1998; and Schroeder *et al.* 1999. That finding should be consulted for greater detail, but a brief synopsis of habitat and distribution follows.

Sage-grouse depend on a variety of shrub-steppe habitats throughout their life cycle, and are particularly tied to several species of sagebrush (*Artemisia* spp.). Throughout much of the year, adult sage-grouse rely on sagebrush to provide roosting cover and food. The type and condition of shrub-steppe plant communities strongly affect habitat use by sage grouse populations, but these populations also exhibit strong site fidelity (loyalty to a particular area). Sage-grouse may disperse up to 160 kilometers (km) (100 miles (mi)) between seasonal use areas; however, average individual movements are generally less than 34 km (21 mi). Sage-grouse also are capable of dispersing over areas of unsuitable habitat (Connelly *et al.* 2000).

During the spring breeding season, male sage-grouse gather together and perform courtship displays on display areas called leks. Areas of bare soil, short-grass steppe, windswept ridges, exposed knolls, or other relatively open sites may serve as leks. Leks, which often are surrounded by denser shrub-steppe cover, range in size from less than 0.4 hectare (ha) (1 acre (ac)) to over 40 ha (100 ac). Some leks are used for many years. These ''historic'' leks are typically larger than, and often surrounded by, smaller ''satellite'' leks, which may be less stable in size and location. A group of leks where males and females may interact within a breeding season or between years is called a lek complex. Males defend individual territories within leks. Relatively few dominant males account for the majority of breeding on a given lek (Schroeder *et al.* 1999).

Females may travel up to 35 km (22 mi) after mating. They typically select nest sites under sagebrush cover, although other shrub or bunchgrass species are sometimes used (Connelly *et al.* 2000). Nests are relatively simple, consisting of scrapes on the ground that are occasionally lined with feathers and vegetation. Sage-grouse typically seek out more mesic (moist) habitats that provide greater amounts of succulent forbs and insects during the summer and early fall. During the winter, they depend almost exclusively on sagebrush for food.

Prior to European expansion into western North America, sage-grouse were believed to occur in 16 States and 3 Canadian provinces: Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, South Dakota, North Dakota, Nebraska, Arizona, New Mexico, Kansas, Oklahoma, British Columbia, Alberta, and Saskatchewan (Schroeder *et al.* 1999; Young *et al.* 2000). The distribution of sage-grouse has contracted in a number of areas, most notably along the northern and northwestern periphery and in the center of their historic range. Currently, sage-grouse occur in 11 States and 2 Canadian provinces, ranging from extreme southeastern Alberta and southwestern Saskatchewan, south to western Colorado, and west to eastern California, Oregon, and Washington. Sage-grouse have been extirpated from Arizona, Kansas, Nebraska, Oklahoma, New Mexico, and British Columbia (Schroeder *et al.* 1999; Young *et al.* 2000). The vast majority of the current distribution of the greater sage-grouse is within the United States.

Rangewide estimates of sage-grouse abundance prior to European settlement in western North America vary (65 FR 51578, August 24, 2000). The WSSCSTGTC (1999) estimated that there may have been about 1.1 million birds in 1800. Much of the overall decline in sage-grouse abundance apparently occurred from the late 1800s

to the mid-1900s (Hornaday 1916; Crawford 1982; Drut 1994; Washington Department of Fish and Wildlife 1995; Braun 1998; Schroeder *et al.* 1999), but other population declines apparently occurred in the 1920s and 1930s, and then again in the 1960s and 1970s (Connelly and Braun 1997). Braun (1998) estimated that the 1998 rangewide spring population numbered about 157,000 sage-grouse. The WSSSTGTC (1999) estimates the sage-grouse population has declined about 86 percent from historic levels to the present.

Taxonomy

Eastern and western subspecies of sage-grouse were first described in 1946 by Aldrich. Aldrich (1946) examined 11 specimens collected in Washington (3), Oregon (7), and California (1) and, on the basis of slight color differences in the plumage, concluded that 2 subspecies existed: one with a more limited distribution in the northwestern portion of the range of the greater sage-grouse and one in the eastern portion of the range. The distribution of the western subspecies was described as occurring from north to central-southern British Columbia; west to central Washington, central Oregon, and northeastern California; south to northeastern California; east to southeast-central and northeastern Oregon (possibly central-western Idaho) and central-eastern Washington (Aldrich 1946). The eastern subspecies was considered to comprise the remainder of the range of the greater sage-grouse, extending from southern Idaho to western North and South Dakota, southwesterly to western Colorado, and west through central Utah and Nevada (Johnsgard 1973). The distribution of western sage-grouse was modified to reclassify sage-grouse in northwestern Nevada and northern California as an intermediate form (Aldrich and Duvall 1955; AOU 1957; Aldrich 1963).

The validity of the taxonomic separation between an eastern and a western subspecies has been questioned (Johnsgard 1983; Johnsgard 2002; Benedict *et al.* 2003). In 1957, the AOU recognized a subspecies division within the sage-grouse taxon. Since that time, however, it has not conducted a review of this subspecies distinction. The AOU stopped listing subspecies as of the 6th (1983) edition of its Checklist, although it recommended the continued use of the 5th edition for taxonomy at the subspecific level. The AOU has not formally or officially reviewed the subspecific treatment of most North American birds, although it is working towards that (Richard C. Banks, National Museum of Natural History, pers. comm. with Oregon Field Office of FWS 2000, 2002). Therefore, the western and eastern subspecies of sage grouse are still recognized by the AOU, based on their 1957 consideration of the taxon.

In our 90-day finding on the petition to list the western subspecies of the greater sage-grouse (February 7, 2003; 68 FR 6500), we concluded there is no basis to recognize the eastern or western subspecies of the greater sage-grouse due to relatively recent information concerning the lack of distinct genetic differences between the two, lack of ecological or physical factors that might indicate differentiation between the populations, and evidence that birds freely cross the supposed boundary zone between the subspecies. That finding provides more detailed information, but a brief synopsis follows.

The boundary between the western and eastern subspecies was generally described as occurring along a line starting on the Oregon-Nevada border south of Hart Mountain National Wildlife Refuge and ending near Nyssa, Oregon (Aldrich and Duvall 1955; Aldrich 1963). No physical barriers exist that would preclude the movement of birds across the proposed boundary separating the two subspecies, and studies involving radio-tagged sage-grouse have documented movements back and forth across the proposed boundary (Crawford and Gregg 2001).

In 1990, protein and deoxyribonucleic acid (DNA) studies were initiated to clarify the status of sage-grouse subspecies in Oregon. Preliminary results indicated no differentiation among birds collected from different areas (Drut 1994). However, because the sample size was small, these results were never published (Michael Pope, Oregon State University, pers. comm. with Oregon Field Office of FWS 2002). Recently, Benedict *et al.* (2003) collected 332 birds from 16 populations in Washington, Oregon, California, and Nevada to sequence a rapidly evolving portion of the mitochondrial DNA. They collected samples from both sides of the proposed boundary between the western and eastern subspecies. Their analysis found no genetic evidence to support the delineation of subspecies.

We are unaware of any information documenting that either of the two putative subspecies exhibits any unique behavioral or ecological traits, other than those described for the Columbia Basin DPS due to its isolation resulting from habitat fragmentation and loss. (On May 7, 2001 (66 FR 22984), we determined that listing of the Washington population of sage-grouse as a distinct population segment, termed the Columbia Basin DPS, was warranted but precluded by higher priority listing actions; the Columbia Basin DPS is currently a candidate for listing (67 FR 40657)).

Based on the lack of distinct genetic differences between the two putative subspecies, lack of ecological or physical factors that might contribute to population isolation, and evidence that birds freely cross the supposed boundary zone between the putative subspecies, we continue to conclude that neither the eastern nor western sage-grouse is a valid subspecies of the greater sage-grouse.

Distinct Population Segment

Because we no longer consider the eastern sage-grouse to be a valid subspecies, we must then consider whether the petitioned entity might constitute a valid Distinct Population Segment (DPS) under our DPS policy (61 FR 4722). Under our DPS policy, we use two elements to assess whether a vertebrate population may be recognized as a DPS: (1) A population segment's discreteness from the remainder of the species to which it belongs; and (2) the significance of the population segment to the species to which it belongs. If we determine that a population being considered for listing meets the discreteness and significance criteria, and thus may represent a DPS, we then consider the population segment's conservation status in relation to the Act's standards for listing (*i.e.*, is the population segment, when treated as if it were a species, endangered or threatened?).

Under our DPS policy, a population segment of a vertebrate species may be considered discrete if it satisfies either of the following two conditions. The first condition is whether the population segment "* * * is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation." The second condition is whether the population segment is "delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act" (61 FR 4722; February 7, 1996).

In our 90-day finding on the petition to list the western subspecies of the

greater sage-grouse (68 FR 6500; February 7, 2003), we concluded that available information was not substantial to demonstrate that the western population of sage-grouse is discrete from the remainder of the taxon based on physical separation or isolation from eastern populations, or distinct differences in morphological, behavioral, or ecological traits. The current petition for the eastern subspecies does not provide any additional or new information regarding subspecies isolation. In addition, recent genetic studies found no evidence to support the delineation of subspecies (Benedict *et al.* 2003).

Although the greater sage-grouse occurs in Canada, the petitioned entity is not ''delimited by international governmental boundaries.'' Therefore, the second condition related to discreteness does not apply in this situation.

In summary, neither the information presented in the petition nor that available in Service files presents substantial scientific or commercial information to demonstrate that the eastern population of sage-grouse is discrete from the remainder of the taxon. Accordingly, we are unable to define a listable entity of the eastern sage-grouse within the greater sage-grouse taxon. Therefore, we did not address the second element for determining a DPS, which is the potential significance of the eastern sage-grouse population to the remainder of the taxon. Finally, since the eastern population of sage-grouse cannot be defined as a DPS at this time, we did not evaluate its status as endangered or threatened on the basis of either the Act's definitions of those terms or the factors in section 4(a) of the Act.

Finding

The Service has reviewed the petition, literature cited in the petition, other pertinent literature, and information available in Service files. After reviewing the best scientific and commercial information available, the Service finds the petition does not present substantial information to indicate that the petitioned action may be warranted. This finding is based on the lack of evidence to support a separation of the greater sage-grouse into eastern and western subspecies, and our determination that the eastern population of the greater sage-grouse does not constitute a DPS.

References Cited

A complete list of all references cited herein is available upon request from the Wyoming Field Office (see **ADDRESSES**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 2, 2004.

Matt Hogan,

Acting Director, Fish and Wildlife Service.

[FR Doc. 04–354 Filed 1–5–04; 9:43 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–503]

Certain Automated Mechanical Transmission Systems for Medium-Duty and Heavy-Duty Trucks, and Components Thereof; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 1, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Eaton Corporation of Cleveland, Ohio. A supplement to the Complaint was filed on December 3, 2003. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automated mechanical transmissions for medium-duty and heavy-duty trucks, and components thereof, by reason of infringement of claim 15 of U.S. Patent No. 4,899,279, claims 1–20 of U.S. Patent No. 5,335,566, claims 2–4 and 6–16 of U.S. Patent No. 5,272,939, claims 1–13 of U.S. Patent No. 5,624,350, claims 1, 3, 4, 6–9, 11, 13, 14, 16, and 17 of U.S. Patent No. 6,149,545, and claims 1–16 of U.S. Patent No. 6,066,071. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket imaging system (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2579.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's rules of practice and procedure, 19 CFR 210.10 (2003).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 31, 2003, *ordered* That—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain automated mechanical transmission systems for medium-duty and heavy-duty trucks, or components thereof by reason of infringement of claim 15 of U.S. Patent No. 4,899,279, claims 1–20 of U.S. Patent No. 5,335,566, claims 2–4 and 6–16 of U.S. Patent No. 5,272,939, claims 1–13 of U.S. Patent No. 5,624,350, claims 1, 3, 4, 6–9, 11, 13, 14, 16, or 17 of U.S. Patent No. 6,149,545, or claims 1–16 of U.S. Patent No. 6,066,071 and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Eaton Corporation, Eaton Center, 1111 Superior Avenue, Cleveland, OH 44114–2584.

(b) The respondents are the following companies alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

ZF Meritor LLC, 22021 Skyway Church Road, Maxton, NC 28364;

ZF Friedrichshafen AG, Allmannsweilerstrasse 25, 88046 Friedrichshafen, Germany;

ArvinMeritor, Inc., 2135 West Maple Road, Troy, MI 48084.

(c) Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

A response to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's rules of practice and procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting the responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against such respondent.

Issued: December 31, 2003.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 04–325 Filed 1–6–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–502]

Certain Automobile Tail Light Lenses and Products Incorporating Same; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 1, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Jens E. Sorensen, as Trustee of the Sorensen Research and Development Trust, of San Diego, California, and Jens Ole Sorensen of Rancho Santa Fe, California. A supplement to the Complaint was filed on December 18, 2003. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automobile tail light lenses and products incorporating same by reason of infringement of claims 1, 6, 8 and 10 of U.S. Patent No. 4,935,184. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket imaging system (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2572.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2003).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 31, 2003, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain automobile tail light lenses or products incorporating same by reason of infringement of claims 1, 6, 8 or 10 of U.S. Patent No. 4,935,184 and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Jens E. Sorensen, as Trustee of the Sorensen Research and Development Trust, 9930 Mesa Rim Road, Suite 300, San Diego, CA 92121;

Jens Ole Sorensen, 14431 Bellvista Drive, Rancho Santa Fe, CA 92067.

(b) The respondents are the following companies alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

Daimler-Chrysler AG, Epplestr. 225, Stuttgart, Bade-Wuerttemberg, Germany;

Mercedes-Benz USA, LLC, One Mercedes Drive, Montvale, NJ 07645–0350.

(c) Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

A response to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and

Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting the responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against such respondent.

Issued: December 31, 2003.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 04–324 Filed 1–6–04; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on December 22, 2003, a proposed consent decree in *United States* v. *Saunders Supply Company et al.,* Civ. Action No. 2:03CV889, was lodged with the United States District Court for the Eastern District of Virginia.

In this action the United States is seeking response costs pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* in connection with the Saunders Supply Company, Inc. Site (''Site'') in Chuckatuck, Virginia. The decree will require defendants to pay $380,000.00 in partial reimbursement of the United States' past response costs incurred at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Saunders Supply Company et al.,* D.J. Ref. No. 90–11–3–07774.

The proposed consent decree may be examined at the Office of the United States Attorney, Horne Building, 1100 Main Street Suite 200, Wheeling, WV 26003, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the proposed consent decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547.

In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. Exhibits to the consent decree may be obtained for an additional charge.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–334 Filed 1–6–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on December 15, 2003, a proposed Consent Decree in *United States* v. *Stepan Company,* Civil Action No. 03–5897, was lodged with the United States District Court for the District of New Jersey.

In this action, the United States asserted claims against Stepan Company: (1) Under Section 106(b)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606(b)(1), for civil penalties for Stepan's failure to comply with an administrative order issued by EPA requiring the performance of a soil investigation at the D'Imperio Property Superfund Site in Hamilton Township, New Jersey (Site) and (2) under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for recovery of response costs incurred regarding the Site. The proposed consent decree embodies an agreement with Stepan to pay a $30,000 civil penalty and $35,000 of response costs. The decree provides Stepan with a covenant not to sue under Sections 106(b)(1) and 107(a) of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Stepan Company,* D.J. No. 90–11–3–942/1.

The Consent Decree may be examined at the Office of the United States Attorney, United States Courthouse, Rm. 2070, 4th & Cooper Streets, Camden, NJ 08101, and at the Region II Office of the U.S. Environmental Protection Agency, Region II Records Center, 290 Broadway, 17th Floor, New York, NY 10007–1866. During the public comment period, the Consent Decree also may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald G. Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–336 Filed 1–6–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on December 30, 2003, a proposed consent decree in *United States* v. *Winitsky Associates*, Civil Action No. 2:03–cv–6935, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought response costs pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9601 *eq seq.,* in connection with the East Tenth Street Superfund Site (''Site'') in Delaware County, Pennsylvania. The proposed consent decree will resolve the United States' claims against Winitsky Associates (''Settling Defendant'') in connection with the portion of the Site operated by Settling Defendant. Under the terms of the proposed consent decree, Settling Defendant will pay the United States $248,531.68 and will receive a Site-wide covenant not to sue by the United States under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Winitsky Associates*, D.J. Ref. 90–11–3–06583.

The proposed consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the proposed consent decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html*. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–335 Filed 1–6–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,525]

Alcatel Internetworking (PE), Spokane, Washington; Notice of Revised Determination on Reconsideration

On November 14, 2003, the Department issued an affirmative determination regarding application on reconsideration applicable to workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The Department's negative determination notice was signed on August 29, 2003, and was published in the **Federal Register** on September 17, 2003 (68 FR 54497). The initial determination stated that the subject worker group did not engage in production but provided engineering and technical support services.

On review of new information provided by the petitioner and the company official, it has been determined that the subject worker group are engaged in the production of router switches, that a significant portion of their functions included testing, repair, and re-packaging, and that a significant portion of this production was shifted from the subject facility to Canada, impacting workers of the subject firm.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the shift of production to Canada of articles like or directly competitive with those produced at the subject form contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Alcatel Internetworking (PE), Spokane, Washington, who became totally or partially separated from employment on or after August 5, 2002, through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 12th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–306 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,124]

American Bag Corporation A Division of Milliken & Company, Winfield, Tennessee; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) and Section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 15, 2003, applicable to workers of American Bag Corporation; a Division of Milliken & Company; Winfield, Tennessee. The notice was published in the **Federal Register** on November 6, 2003 (68 FR 62834).

At the request of a state agency representative, the Department reviewed the certification for workers of the subject firm. The workers produce airbags.

The investigation review shows that workers of the subject firm were covered by a previous certification, TA–W–38,870, that did not expire until August 29, 2003.

In order to avoid an overlap in worker group coverage, the Department is amending the impact date for this certification, changing it from September 17, 2002, to August 30, 2003.

The amended notice applicable to TA–W–53,124 is hereby issued as follows:

''All workers of American Bag Corporation, a Division of Milliken & Company, Winfield, Tennessee, who became totally or partially separated from employment on or after August 30, 2003, through October 15, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974, as amended.''

Signed at Washington, DC this 8th day of December 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–303 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,757]

Authentic Fitness Corporation, Commerce, California; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 10, 2003, in response to a petition filed on behalf of workers at Authentic Fitness Corporation, Commerce, California.

The petitioning group of workers is covered by an active certification issued on November 6, 2003, and which remains in effect (TA–W–53,132). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 16th day of December, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–290 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,753]

Citation Corporation, Camden, Tennesse; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 9, 2003, in response to a petition filed by the Tennessee AFL-CIO on behalf of workers at Citation Corporation, Camden, Tennessee. Workers at the subject firm produced ductile iron castings.

The Department of Labor issued negative determinations applicable to the petitioning group of workers on June 16, 2003 (TA–W–51,871). No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 11th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–291 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,291, TA–W–53,291A, TA–W–53,291B, and TA–W–53,291C]

Cone Mills Corporation, Carlisle Plant Division, Carlisle, South Carolina; Cone Mills Corporation, Cone Rutherford County, LLC Division, Cliffside, North Carolina; Cone Mills Corporation, Cone White Oak, LLC Division, and Corporate Headquarters, Greensboro, North Carolina; Cone Mills Corporation, Salisbury Plant, Salisbury, North Carolina; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and under Section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 3, 2003, applicable to workers of Cone Mills Corporation, Carlisle Plant Division located in Carlisle, South Carolina, Cone Rutherford County, LLC Division located in Cliffside, North Carolina, and Cone White Oak, LLC Division located in Greensboro, North Carolina. The notice will soon be published in the **Federal Register**.

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers of Cone Mills Corporation produce textiles. New information provided by a company official show that worker separations have occurred at the subject firm's corporate office in Greensboro, North Carolina, and at the company's warehouse in Salisbury, North Carolina.

Workers at the corporate office and warehouse provide services in support of the production of textiles at the firm's Cone White Oak, LLC Division in Greensboro, North Carolina, as well as other Cone Mill Corporation plants, whose workers have been certified eligible to apply for adjustment assistance.

Furthermore, the conclusion section of the certification omitted that workers are eligible to apply for alternative trade adjustment assistance (ATAA) under Section 246 of the Trade Act of 1974, as amended.

It is the Department's intent to include all workers of Cone Mills Corporation adversely affected by increased imports of textiles. Therefore, the Department is amending the certification to include workers of the Corporate Office in Greensboro, North Carolina, add workers of Cone Mills Corporation, Salisbury, North Carolina, and include for all locations worker eligibility to apply for ATAA.

The amended notice applicable to TA–W–53,291 is hereby issued as follows:

''All workers of Cone Mills Corporation, of Cone Mills Corporation, Carlisle Plant Division, Carlisle, South Carolina (TA–W–53,291), Cone Mills Corporation, Cone Rutherford County, LLC Division, Cliffside, North Carolina (TA–W–53,291A), Cone Mills Corporation, Cone White Oak, LLC Division and Corporate Headquarters, Greensboro, North Carolina (TA–W–53,291B), and Cone Mills Corporation, Salisbury, North Carolina (TA–W–53,291C), who became totally or partially separated from employment on or after October 14, 2002, through December 3, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974, as amended.''

Signed at Washington, DC, this 23rd day of December 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–301 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,474]

Kulicke and Soffa Industries, Austin, Texas; Notice of Negative Determination on Reconsideration

On November 18, 2003, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The Department initially denied TAA to workers of Kulicke and Soffa Industries, Austin, Texas because the ''contributed importantly'' and shift of production group eligibility

requirements of section 222(3) of the Trade Act of 1974, as amended, were not met. The investigation revealed that the cause of the worker separations was a domestic shift of production.

In the request for reconsideration, the petitioner alleged that the subject company shifted production to China.

During the reconsideration investigation, the Department requested additional information from the subject company regarding the alleged shift of production.

The investigation revealed that the subject company shifted production from the subject facility to another Texas facility in 2001, and shifted production from Texas to California in 2003.

Further, while the subject company has sent two employees to China, the employees are assisting in a shift of production from California to China and the shift will not occur until 2004.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Kulicke and Soffa Industries, Austin, Texas.

Signed in Washington, DC, this 12th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–307 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,586]

Mac Brad Wholesale Flowers, Inc., Pasadena, Texas; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 19, 2003 in response to a worker petition filed by a company official on behalf of workers at Mac Brad Wholesale Flowers, Inc., Pasadena, Texas.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 12th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–297 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,162]

ME International, Inc., Now Known as ME Global, Duluth, Minnesota; Amended Notice of Revised Determination on Remand

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Revised Determination on Remand on June 25, 2003, applicable to workers of the ME International, Inc., Duluth, Minnesota. The notice was published in the **Federal Register** on July 10, 2003 (68 FR 41178–41179).

At the request of the State agency, the Department reviewed the revised determination for workers of the subject firm. The workers are engaged in the production of metal linings for grinding mills.

New information shows that ME International was purchased by Elecmetal in November 2001 and is now known as ME Global. Workers separated from employment as the subject firm had their wages reported under a separated unemployment insurance (UI) tax account for ME Global.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of ME International, Duluth, Minnesota who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,162 is hereby issued as follows:

''All workers of ME International, Inc., now known as ME Global, Duluth, Minnesota, who became totally or partially separated from employment on or after April 9, 2000, through June 25, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 16th day of December 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–299 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,748]

Motorola, Inc., Radio Support Center, Rockford, Illinois; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 9, 2003, in response to a petition filed on behalf of workers at Motorola, Inc., Radio Support Center, Rockford, Illinois.

The Department issued a negative determination applicable to the petitioning group of workers on December 3, 2003 (TA–W–53,470). No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 15th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–293 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,152]

Multilayer Technology (Multek), Inc., a Division of Flextronics International Including Temporary Workers of Atlas Staffing, Inc., Roseville, Minnesota; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 25, 2003, applicable to workers of Multilayer Technology (Multek), Inc., a division of Flextronics International, Roseville, Minnesota. The notice was published in the **Federal Register** on August 14, 2003 (68 FR 48646).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the company shows that temporary workers of Atlas Staffing, Inc. were employed at Multilayer Technology (Multek), Inc. to

produce printed circuit boards at the Roseville, Minnesota location of the subject firm.

Based on these findings, the Department is amending this certification to include temporary workers of Atlas Staffing, Inc. working at Multilayer Technology (Multek), Inc., Roseville, Minnesota.

The intent of the Department's certification is to include all workers of Multilayer Technology (Multek), Inc. who were adversely affected by the shift in production to Brazil, Germany and China.

The amended notice applicable to TA–W–52,152 is hereby issued as follows:

All workers of Multilayer Technology (Multek), Inc., a division of Flextronics International, Roseville, Minnesota, and temporary workers of Atlas Staffing, Inc., Minneapolis, Minnesota producing printed circuit boards at Multilayer Technology (Multek), Inc., Roseville, Minnesota, who became totally or partially separated from employment on or after June 25, 2002, through July 25, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 15th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–308 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,745]

Phillips Plastics Corporation, Eau Claire, Wisconsin; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 9, 2003, in response to a petition filed on behalf of workers at Phillips Plastics Corporation, Eau Claire, Wisconsin.

This petitioning group of workers is covered by an earlier petition filed on December 8, 2003 (TA–W–53,735), that is the subject of an ongoing investigation for which a determination has not yet been issued. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 16th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–294 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,906]

Radioshack Corporation, TE Electronics, Division of Radioshack Corporation, Tandy Distributor Products, Swannanoa, North Carolina; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 17, 2003, applicable to workers of RadioShack Corp., TDP Electronics Div., an operating entity of North American Manufacturing, Swannanoa, North Carolina. The notice was published in the **Federal Register** on November 6, 2003 (68 FR 62834).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of household audio and video equipment.

New information shows that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for TE Electronics, Division of RadioShack Corporation, Tandy Distributor Products.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of RadioShack Corporation, TE Electronics, Division of RadioShack Corporation, Tandy Distributor Products, Swannanoa, North Carolina who were adversely affected by increased imports.

The amended notice applicable to TA–W–52,906 is hereby issued as follows:

''All workers of RadioShack Corporation, TE Electronics, Division of RadioShack Corporation, Tandy Distributor Products, Swannanoa, North Carolina, who became totally or partially separated from employment on or after September 10, 2002, through October 17, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC this 15th day of December 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–304 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,150]

Rayovac Corporation, Manufacturing Division, Fennimore, Wisconsin; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and under section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on November 20, 2003, applicable to workers of Rayovac Corporation, Manufacturing Division, located in Fennimore, Wisconsin. The notice will soon be published in the **Federal Register**.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers produce batteries.

The review shows that all workers of Rayovac Corporation, Fennimore, Wisconsin, were previously certified eligible to apply for adjustment assistance under petition number TA–W–39,005, which expired on April 17, 2003.

Therefore, in order to avoid an overlap in worker group coverage, the Department is amending the October 2, 2003 impact date established for TA–W–53,150, to read April 18, 2003.

The amended notice applicable to TA–W–53,150 is hereby issued as follows:

All workers of Rayovac Corporation, Manufacturing Division, Fennimore, Wisconsin, who became totally or partially separated from employment on or after April 18, 2003, through November 20, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 10th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–302 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,170]

Siemens Energy & Automation, Residential Infrastructure Division Including Leased Workers of Randstad North America, CDI Corporation, Peak Technical Services and Randstad Staffing Services, Miami, Florida; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 4, 2003, applicable to workers of Siemens Energy & Automation, Residential Infrastructure Division, including leased workers of Randstad North America, CDI Corporation, and Peak Technical Services, Miami, Florida. The notice was published in the **Federal Register** on April 24, 2003 (68 FR 20178).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that leased workers of Randstad Staffing Services were employed at Siemens Energy & Automation, Residential Infrastructure Division to produce meter sockets and enclosure for the electrical equipment industry at the Miami, Florida location of the subject firm.

Based on these findings, the Department is amending this certification to include leased workers of Randstad Staffing Services working at Siemens Energy & Automation, Residential Infrastructure Division, Miami, Florida.

The intent of the Department's certification is to include all workers of Siemens Energy & Automation, Residential Infrastructure Division who were adversely affected by the shift in production to Mexico.

The amended notice applicable to TA-W–51,170 is hereby issued as follows:

All workers of Siemens Energy & Automation, Inc., Residential Infrastructure Div, Miami, Florida, and leased workers of Randstad North America, CDI Corporation, Peak Technical Services and Randstad Staffing Services producing meter sockets and enclosure at Siemens Energy & Automation, Inc., Residential Infrastructure Division, Miami, Florida, who became totally or partially separated from employment on or after March 14, 2002, through April 4, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 24th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–310 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,458]

Silicon Graphics, Inc., Worldwide Manufacturing Organization Including Leased Workers of Kelly Services, Chippewa Falls, Wisconsin; Notice of Negative Determination on Reconsideration

On November 3, 2003, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The Department initially denied TAA to workers of Silicon Graphics, Inc., Worldwide Manufacturing Organization (WMO), Chippewa Falls, Wisconsin because the ''contributed importantly'' and shift of production group eligibility requirements of section 222(3) of the Trade Act of 1974, as amended, were not met. The investigation revealed that neither the subject company nor its customers increased import purchases of computer products during the relevant period and that there was no shift of production.

In the request for reconsideration, the petitioner alleged that both the subject company and one of its major customers increased import purchases during the relevant time period.

During the reconsideration investigation, the Department requested additional information from the subject company regarding the allegations.

The investigation revealed that the subject company did not increase imports during the relevant time period and that sales to the identified customer constituted only a negligible amount of total subject company sales during the relevant time period.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Silicon Graphics, Inc., Worldwide Manufacturing Organization (WMO), Chippewa Falls, Wisconsin and temporary workers of Kelly Services working at the subject facility.

Signed in Washington, DC, this 12th day of December, 2003.

Elliott S. Kusner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–309 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,777]

Steelcase, Inc., Grand Rapids, Michigan; Notice of Revised Determination on Reconsideration Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

By electronic mail dated October 22, 2003, the State of Michigan requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The request was made because the Department certified the workers of the subject firm regarding only eligibility to apply for worker adjustment assistance. The certification was signed on November 5, 2003. The notice will soon be published in the **Federal Register**.

The Department issued the limited certification because it did not investigate if workers met the eligibility requirement of Alternative Trade Adjustment Assistance (ATAA), since a copy of the request for determination of eligibility to apply for the ATAA program for Older Workers was not attached to the petition.

Because the State provided documentation that a request for ATAA consideration was properly submitted, an investigation was conducted to determine if workers are eligible to apply for ATAA. The investigation revealed that a significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable and that competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that there was a shift of production from the workers' firm or subdivision to Mexico of articles like or directly competitive with those produced by the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Steelcase, Inc., Grand Rapids, Michigan, who became totally or partially separated from employment on or after August 12, 2002, through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 11th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–305 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,737]

Tibbetts Industries, Inc., Camden, Maine; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 8, 2003, in response to a worker petition filed on behalf of workers at Tibbetts Industries, Inc., Camden, Maine.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 16th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–295 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,685]

TMH, Portage, Indiana; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 2, 2003, in response to a worker petition filed by Transportation-Communications International Union on behalf of workers at TMH, Portage, Indiana.

The petitioning group of workers is covered by an active certification issued on July 9, 2003, and which remains in effect (TA–W–53,685). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 12th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–296 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,751]

United States Postal Service, Remote Encoding Center, Cohoes, New York; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 23, 2003, in response to a petition filed on behalf of workers at United States Postal Service, Remote Encoding Center, Cohoes, New York.

The petitioning worker group is included in a petition filed on November 17, 2003 (TA–W–53,711), that is the subject of an ongoing investigation. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 12th day of December, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–292 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,953]

Zexel Valeo Compressor USA, Decatur, Illinois; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 2, 2001, applicable to workers of Zexel Valeo Compressor USA, Decatur, Illinois. The notice was published in the **Federal Register** on October 19, 2001 (66 FR 53251).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of automotive air conditioning compressors until the company ceased production by the end of 2001.

New information shows that workers were retained at the subject firm beyond the October 2, 2003 expiration date of the certification. These employees will complete the close-down process until their termination on December 31, 2003. Based on these findings, the Department is amending the certification to extend the October 2, 2003 expiration date for TA–W–39,953 to read December 31, 2003.

The intent of the Department's certification is to include all workers of Zexel Valeo Compressor USA who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,953 is hereby issued as follows:

''All workers of Zexel Valeo Compressor USA, Inc., Decatur, Illinois, who became totally or partially separated from employment on or after August 17, 2000, through December 31, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 5th day of December 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–298 Filed 1–6–04; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–423]

Dominion Nuclear Connecticut, Inc., Millstone Power Station, Unit No. 3; Exemption

1.0 Background

Dominion Nuclear Connecticut, Inc. (DNC or the licensee) is the holder of Facility Operating License Nos. DPR–65 and NPF–49, which authorize operation of Millstone Power Station, Unit Nos. 2 and 3 (MP2 and MP3), respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S.

Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors (PWRs) located in New London County in Connecticut; this exemption addresses only MP3. The nuclear steam system supplier for MP2 is Combustion Engineering, and the supplier for MP3 is Westinghouse Electric Corporation.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR), § 54.17(c) stipulates that an application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect.

DNC, however, requested by application dated December 13, 2002, as supplemented by letters dated April 28, 2003, and September 3, 2003, a schedular exemption from the 20-year restriction specified in 10 CFR 54.17(c) to allow it to submit a renewal application for MP3 earlier than 20 years before expiration of its operating license. Such an exemption would allow DNC to submit one application for renewal of the operating licenses of both MP2 and MP3, with the goal of attaining efficiencies for preparation and review of the application. The current operating license for MP2 (DPR–65) expires on July 31, 2015, whereas the current operating license for MP3 (NPF–49) expires on November 25, 2025. At the time the exemption request was filed, MP2 had more than 29 years of operating experience and MP3 had more than 18 years experience.

3.0 Discussion

Pursuant to 10 CFR 54.15, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 54, in accordance with the provisions of 10 CFR 50.12, when (1) The exemptions are authorized by law, (2) will not present an undue risk to public health or safety, and (3) are consistent with the common defense and security. However, an exemption will not be granted unless special circumstances are present, as defined in Section 50.12(a)(2).

3.1 Authorized by Law

The Commission's basis for establishing the 20-year limit contained in 10 CFR 54.17(c) is discussed in the 1991 Statements of Consideration for part 54 of 10 CFR (56 FR 64963). The limit was established to ensure that substantial operating experience was accumulated by a licensee before a renewal application is submitted such that any plant-specific concerns regarding aging would be disclosed. In amending the rule in 1995, the Commission sought public comment on whether the 20-year limit should be reduced. The Commission determined that sufficient basis did not exist to generically reduce the 20-year limit. However, the Commission did indicate in the Statements of Consideration for the amended rule (60 FR 22488), that it was willing to consider plant-specific exemption requests by applicants who believe that sufficient information is available to justify applying for license renewal prior to 20 years from expiration of the current license. DNC's exemption request is consistent with the Commission's intent to consider plant-specific requests and is permitted by 10 CFR 54.15.

The current operating licenses for MP2 and MP3, were issued in accordance with the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 50.51 which limit the duration of an operating license to a maximum of 40 years. In accordance with 10 CFR 54.31, the renewed license will be of the same class as the operating license currently in effect and cannot exceed a term of 40 years. Therefore, the terms of the renewed licenses for MP2 and MP3, are limited both by law and the Commission's regulations to 40 years. Additionally, 10 CFR 54.31(b) states that:

> A renewed license will be issued for a fixed period of time, which is the sum of the additional amount of time beyond the expiration of the operating license (not to exceed 20 years) that is requested in a renewal application plus the remaining number of years on the operating license currently in effect. The term of any renewed license may not exceed 40 years.

The potential exists that because DNC's decision to apply early for license renewal for MP3, DNC may not obtain the maximum 20-year period of extended operation permitted by 10 CFR 54.31(b). Any actual reduction will depend on the date the renewed licenses are issued. If a reduction in the 20-year extension is required, and DNC desires further extension of MP3's operating licenses in the future, an additional renewal application can be submitted in accordance with 10 CFR part 54.

Therefore, should the Commission determine to renew the MP3 operating license, the term of the license will not exceed 40 years, and granting of MP3's exemption request will not result in violation of the AEA or the Commission's regulations.

3.2 No Undue Risk to Public Health and Safety

DNC's exemption request seeks only schedular relief regarding the date of submittal, and not substantive relief from the requirements of 10 CFR parts 51 or 54. DNC must still conduct all environmental reviews required by 10 CFR part 51 and all safety reviews and evaluations required by 10 CFR part 54 when preparing the applications for MP2 and MP3. The staff's review will verify that all applicable Commission regulations have been met before issuing the renewed licenses. Therefore, the staff finds that granting this schedular exemption will not represent an undue risk to public health and safety.

3.3 Consistent With the Common Defense and Security

As discussed previously, the exemption requested is only a schedular exemption. The NRC staff will review the license renewal application DNC submits pursuant to the requested exemption, to determine whether all applicable requirements are fully met. Accordingly, granting the requested exemption will be consistent with the common defense and security.

3.4 Special Circumstances Supporting Issuance of the Exemption

An exemption will not be granted unless special circumstances are present as defined in 10 CFR 50.12(a)(2). Specifically, 10 CFR 50.12(a)(2)(ii) states that a special circumstance exists when ''application of the regulation in the particular circumstances * * * is not necessary to achieve the underlying purpose of the rule.'' In initially promulgating 10 CFR 54.17(c) in 1991, the Commission stated that the purpose of the time limit was ''to ensure that substantial operating experience is accumulated by a licensee before it submits a renewal application'' (56 FR 64963). At that time, the NRC found that 20 years of operating experience provided a sufficient basis for renewal applications. However, in issuing the amended 10 CFR part 54 in 1995, the Commission indicated it would consider an exemption to this requirement if sufficient information was available on a plant-specific basis to justify submission of an application to renew a license before completion of 20 years of operation (60 FR 22488).

The 20-year limit was imposed by the NRC to ensure that sufficient operating experience was accumulated to identify any plant-specific aging concerns. As set forth below, MP2 is sufficiently similar to MP3, such that the operating experience for MP2 applies to MP3. In

addition, MP3 has accumulated significant operating experience. Accordingly, under the requested exemption, sufficient operating experience will have been accumulated to identify any plant-specific aging concerns for both units.

DNC states that the two units at the Millstone site are similar in materials of construction and operating environments, many of the aging analyses to be performed for the structures, systems, and components (SSCs) of MP2 will be directly applicable to the SSCs of MP3. Both units are PWR units that utilize recirculating, U-tube type steam generators that produce saturated steam to drive turbine-generators. DNC states that the materials of construction for SSCs on both units are typically identical or similar. The materials used and the environments to which these materials are subjected determine the existence of aging effects. Both units at the Millstone site share common facilities/environments and have many similar components and materials.

DNC also stated that many of the procedures that govern site activities are not unit-specific and require the consideration of operating experience at both Millstone units. Both units share many of the same maintenance activities and other existing aging management programs, making them more effective by relying on the experience at both units. The Millstone site organization shares a common operating experience review department, such that operating experience and corrective actions are continually shared between the units. The Millstone site also utilizes their Corrective Action Program (CAP), in which a multi-disciplinary team reviews Condition Reports (CRs). As part of this review, the team identifies CRs that could affect other operating units and that need to be evaluated for both units. The direct exchange of operating experience by this common operating experience review and by the CAP ensures the evaluation of MP2 aging issues that could be applicable to MP3. The shared operating experience and dedicated system engineering responsibilities also result in a continual evaluation of the effectiveness of plant programs used to manage the effects of aging of plant equipment for both units.

While the units at the Millstone site have common operation, maintenance, use of operating experience, and environment, MP2 and MP3 are of different PWR design. MP2 is a Combustion Engineering PWR design and MP3 is a Westinghouse 4–Loop PWR design. The nuclear steam supply system (NSSS) design, thermal output, containment and Category 1 structures, of these two designs are significantly different. In a letter dated April 28, 2003, the applicant provided supplemental information to justify the applicability of MP2's operating experience as the basis for the exemption request or to discuss how industry-wide Westinghouse 4–Loop operating experience can supplement MP3's operating experience. In addition, on July 18, 2003, the NRC requested additional information to justify the applicability of MP2's containment and Category 1 structures operating experience as the basis for the exemption or to discuss how industry-wide operating experience can supplement MP3's operating experience.

3.4.1 NSSS Design

The staff reviewed the supplemental information provided by the applicant in its letter to the NRC dated April 28, 2003. DNC compared the MP2 and MP3 NSSS SSCs to those in the applicable sections of the Generic Aging Lessons Learned (GALL) Report and listed the comparative results in the attachment to the letter. Based on Section II.A of the attachment and its related discussions, the applicant stated that the operating experience from MP2 is applicable to MP3 with regard to identifying NSSS-related aging effects. The staff reviewed the contents of Section II.A and determined that although there are differences in NSSS design and configuration between MP2 and MP3, both units do exhibit similar aging effects, and their aging effects are comparable to those of the GALL Report. The staff also reviewed the applicant's assertions that: (1) MP3 has the benefit of industry operating experience, particularly for those PWRs that have the same NSSS design (Surry and North Anna); (2) as of the date of their submittal, nine Westinghouse 4–Loop PWRs have accumulated at least 20 years of operating experience and five other plants have close to 20 years of operating experience; and (3) the MP3 license renewal application (LRA) will also reflect industry experience identified in the GALL Report as well as other industry programs.

The staff finds that the justifications provided by the applicant for these assertions are based on factual information and are reasonable. Based on the above discussion, the staff concludes that with respect to MP2 and MP3 NSSS design, configuration, and management of NSSS-related aging effects, the applicant has provided adequate justifications for the NRC consideration of granting MP3's request for exemption from the requirements of 10 CFR 54.17(c)

3.4.2 Thermal Output

The staff reviewed the supplemental response provided by the applicant in its letter to the NRC dated April 28, 2003. The staff noted that DNC compared MP2 and MP3 thermal outputs, which results in differences in neutron flux and fluence to which the reactor vessels and the reactor vessel internals (RVI) are exposed. DNC indicated that the differences in thermal output do not significantly affect the reactor coolant temperature. In addition, it was noted that the MP2 and MP3 reactor vessel operating temperatures are similar and closely match those specified in the GALL Report for the PWR reactor vessel environment. The staff compared the operating temperatures through the reactor vessel integrity database with those in the GALL Report and found that the licensee's justification was reasonable.

In addition, DNC indicated that the higher core power density and correspondingly, a higher fluence for MP3 which may result in the emergence of certain aging effects earlier in plant life than would be the case for MP2. However, it was noted that there are no unique aging effects for the MP3 RVI and that the same aging effects would require management for both units.

The licensee also stated that on an industry-wide basis, the Electric Power Research Institute (EPRI) Materials Reliability Program (MRP) addresses aging effects associated with PWR RVI. It was noted that the EPRI MRP reviewed the function of each internal PWR component (including Westinghouse and CE). For those internals that could impact safety, the EPRI MRP considered the aging mechanisms that could cause degradation of RVI component and is developing strategies to manage the resulting aging effects. Therefore, the licensee indicated that the operating experience gained from the EPRI MRP could be applied to MP3 in assisting in the identification of plant-specific concerns regarding aging. The staff finds this approach acceptable.

The staff finds that the justification provided by the applicant for these assertions are based on factual information and are reasonable. Based on the above discussion, the staff concludes that with respect to MP2 and MP3 thermal output differences, the applicant has provided adequate justification for the staff's consideration of granting the MP3 request for

exemption from the requirements of 10 CFR 54.17(c).

3.4.3 Containment and Category 1 Structures

The staff reviewed the additional information provided by the applicant in its letter to the NRC dated September 3, 2003. In the attachment to the letter, DNC compared the MP2 and MP3 containment and Category 1 structures and components in Table 1; MP3 and other Stone and Webster Engineering Corp. plants' containment and Category 1 structures and components in Table 2; and MP3 and the applicable sections of the GALL Report containment and Category 1 structures and components in Table 3. Based on the Table 1 comparisons and its related discussions, the applicant stated that the operating experience from MP2 is applicable to MP3 with identifying containment and Category 1 structure-related aging effects, except when there were differences such as in the architect-engineer, containment type, and groundwater protection. For the differences previously noted, the applicant relied on the operating experience from plants (Table 2) that have the same architect-engineer, containment type, and groundwater protection such as North Anna Units 1 and 2, Surry Units 1 and 2, Beaver Valley Unit 1, and Haddam Neck. Even though these plants have the same architect-engineer, containment type, and groundwater protection as MP3, the environments are different. MP3 is located in a coastal area and the other plants are located in inland environments. For the environmental difference, the applicant relied on the GALL Report for additional operating experience. The staff reviewed the applicant's assertions that MP3 also has the benefit of industry operating experience, particularly for those PWRs with the same architect engineer, containment type, and groundwater protection; and the MP3 LRA will also reflect industry experience identified in the GALL Report, as well as other industry programs.

The staff finds that the justifications provided by the applicant for these assertions are based on factual information and are reasonable. Based on the above discussion, the staff concludes that, with respect to MP2 and MP3 containment and Category 1 structures design, structural configuration and management of structural-related aging effects, the applicant has provided adequate justifications for the NRC's consideration of granting MP3's request for exemption from the requirements of 10 CFR 54.17(c).

Therefore, sufficient combined operating experience from MP2 and industry exists to satisfy the intent of 10 CFR 54.17(c), and the application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that DNC's request meets the requirement, in 10 CFR 50.12(a)(2), that special circumstances exist to grant the exemption.

3.5 Summary

Based on the foregoing, the staff finds that the requested exemption is acceptable in that it is authorized by law; will not present an undue risk to public health and safety; is consistent with the common defense and security; and that special circumstances are present, under 10 CFR 50.12(a)(2)(ii). Should DNC submit an application to renew the licenses for MP2 and MP3, the application must demonstrate full compliance with 10 CFR parts 51 and 54 for both units and include information addressing the similarity in design, operation, maintenance, operating experience, and environments of the units to support submittal of the dual-unit application. In the course of its review of an application to renew the licenses for the units at the Millstone site, the NRC staff will examine how the actual operating experience, available from both units and from industry, applies to the particular SSCs evaluated.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DNC a schedular exemption from the requirements of 10 CFR 54.17(c). Specifically, this schedular exemption allows DNC to apply for a renewed license for MP3 earlier than 20 years before the expiration of the operating license currently in effect.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (68 FR 7529).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of December, 2003.

For the Nuclear Regulatory Commission.

Cornelius Holden,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 04–315 Filed 1–6–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–354]

PSEG Nuclear LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has granted the request of PSEG Nuclear LLC (the licensee) to withdraw its July 9, 2003, application, as supplemented by its August 14, 2003, letter, for a proposed amendment to Facility Operating License No. NPF–57 for the Hope Creek Generating Station, Unit No. 1, located in Salem County, New Jersey.

The proposed amendment would have revised the facility's Technical Specifications by extending the time allowed to complete repairs or upgrades to the control room emergency filtration (CREF) system up to 30 days.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 5, 2003 (68 FR 46245). However, by letter dated November 21, 2003, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 10, 2003, as supplemented by letter dated August 14, 2003, and the licensee's letter dated November 21, 2003, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 31st day of December 2003.

For the Nuclear Regulatory Commission.

John P. Boska,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 04–316 Filed 1–6–04; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

TIME AND DATE: 2 p.m., Thursday, January 22, 2004.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing open to the Public at 2 p.m.

PURPOSE: Annual public hearing and hearing in to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. Such statements must be typewritten, double-spaced and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via email at *cdown@opic.gov.*

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency which provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects which confer positive development benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(c)(1) of the Foreign Assistance Act of 1961, as amended (''the Act'') to hold at least one public hearing each year; and by section 231A(c)(2) to hold a public hearing in conjunction with the quarterly meeting of the Board of Directors.

Among other issues, OPIC's annual public hearing has, in previous years, provided a forum for testimony concerning section 231A(a) of the Act. This section provides that OPIC may operate its programs only in those countries that are determined to be ''taking steps to adopt and implement laws that extend internationally recognized worker rights * * * to workers in that country (including any designated zone in that country).''

Based on consultations with Congress, OPIC complies with annual determinations made by the Executive Branch with respect to worker rights for countries that are eligible for the Generalized System of Preferences (''GSP''). Any country for which GSP eligibility is revoked on account of its failure to take steps to adopt and implement internationally recognized worker rights is subject concurrently to the suspension of OPIC programs until such time as a favorable worker rights determination can be made.

For non-GSP countries in which OPIC operates its programs, OPIC reviews any country which is the subject of a formal challenge at its annual public hearing. To qualify as a formal challenge, testimony must pertain directly to the worker rights requirements of the law as defined in OPIC's 1985 reauthorizing legislation (Pub. L. 99–204) with reference to the Trade Act of 1974, as amended, and be supported by factual information.

Dated: January 5, 2004.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 04–372 Filed 1–5–04; 1:42 pm]

BILLING CODE 3210–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

TIME AND DATE: 1 p.m., Thursday, January 22, 2004.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing open to the Public at 1 p.m.

PURPOSE: Annual Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. Such statements must be typewritten, double-spaced and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via e-mail at *cdown@opic.gov.*

Dated: January 5, 2004.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 04–373 Filed 1–5–04; 1:42 pm]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Metropolitan Mortgage & Securities Co., Inc., To Withdraw Its Variable Rate Cumulative Preferred Stock, Series E–7, Par Value $2.50, From Listing and Registration on the American Stock Exchange LLC File No. 1–15595

December 31, 2003.

Metropolitan Mortgage & Securities Co., Inc., a Washington corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Variable Rate Cumulative Preferred Stock, Series E–7, par value $2.50 (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in the State of Washington, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Board of Directors (''Board'') of the Issuer unanimously approved a resolution on December 23, 2003 to withdraw the Issuer's Security from listing on the Amex and to list such Security on the OTC Bulletin Board. The Board states that the following reason factored into its decision to withdraw the Security from listing and registration on the Amex: on December 22, 2003, the Issuer received notice from the Exchange that the Issuer was not in compliance with the Exchange's continued listing standards pursuant to Sections 1003 and 1009 of the Exchange's Company Guide.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex and from registration under Section 12(b) of the Act[3] and shall not affect its obligation to be registered under Section 12(g) of the Act.[4]

Any interested person may, on or before January 28, 2004, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 04–261 Filed 1–6–04; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Newtek Business Services, Inc., To Withdraw Its Common Stock $.02 Par Value, From Listing and Registration on the American Stock Exchange LLC File No. 1–16123

December 31, 2003.

Newtek Business Services, Inc., a New York corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, $.02 par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in the State of New York, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Board of Directors (''Board'') of the Issuer unanimously approved a resolution on December 19, 2003 to withdraw the Issuer's Security from listing on the Amex. The Board states that the following reasons factored into its decision to withdraw the Security from listing and registration on the Amex and the apply to list its Security on the Nasdaq National Market System (''NMS''): (i) Listing on the NMS is likely to increase the visibility of the Issuer among investors, particularly institutional investors, and (ii) listing on the NMS will assist in the Issuer's efforts to attract additional analyst coverage for its Security and ultimately add to the value of the Issuer's Security by increasing the liquidity of the investment.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex and from registration under Section 12(b) of the Act[3] and shall not affect its obligation to be registered under section 12(g) of the Act.[4]

Any interested person may, on or before January 28, 2004, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 04–263 Filed 1–6–04; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 2003.0–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application of Summit Securities, Inc., To Withdraw Its Variable Rate Cumulative Preferred Stock, Series S–3, Par Value $10.00, From Listing and Registration on the American Stock Exchange LLC File No. 1–16177

December 31, 2003.

Summit Securities, Inc., an Idaho corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Variable Rate Cumulative Preferred Stock, Series S–3, par value $10.00 (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

applicable laws in the State of Idaho, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Board of Directors (''Board'') of the Issuer unanimously approved a resolution on December 23, 2003 to withdraw the Issuer's Security from listing on the Amex and to list such Security on the OTC Bulletin Board. The Board states that the following reason factored into its decision to withdraw the Security from listing and registration on the Amex: On December 22, 2003, the Issuer received notice from the Exchange that the Issuer was not in compliance with the Exchange's continued listing standards pursuant to Sections 1003 and 1009 of the Exchange's Company Guide.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex and from registration under Section 12(b) of the Act[3] and shall not affect its obligation to be registered under Section 12(g) of the Act.[4]

Any interested person may, on or before January 28, 2004, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 04–262 Filed 1–6–04; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on August 11, 2003 [68 FR 47634–47635].

DATES: Comments must be submitted on or before February 6, 2004.

FOR FURTHER INFORMATION CONTACT: Kevin Ball at the National Highway Traffic Safety Administration, Office of the Chief Information Officer, (NPO–400), 202–366–5649, 400 Seventh Street, SW., Room 6132, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: National Highway Traffic Safety Administration

Title: Air Bag Deactivation.

OMB Number: 2127—0588.

Type of Request: Extension of a currently approved information collection.

Abstract: If a private individual or lessee wants to install an air bag on-off switch to turn-off either or both frontal air bags, they must complete Form OMB 2127–0588 to certify certain statements regarding use of the switch. The dealer or business must, in turn, submit the completed forms to NHTSA within seven days. The submission of the completed forms by the dealers and repair business to NHTSA, as required, will serve the agency several purposes. They will aid the agency in monitoring the number of authorization requests submitted and the pattern in claims of risk groups membership. The completed forms will enable the agency to determine whether the dealers and repair business are complying with the terms of the exemption, which include a requirement that the dealers and repair businesses accept only fully completed forms. Finally, submission of the completed forms to the agency will promote honesty and accuracy in the filling out of the forms by vehicle owners. The air bag on-off switches are installed only in vehicles in which the risk of harm needs to be minimized on a case-by-case basis.

Affected Public: Private individuals, fleet owners and lessees, motor vehicle dealers, repair business.

Estimated Total Annual Burden: 7,500 hours.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC, on December 31, 2003.

Susan White,

Chief Information Officer.

[FR Doc. 04–339 Filed 1–6–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Voluntary Testing and Mandatory Enrollment for a New Method of Submitting the Consolidated Reports of Condition and Income

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System; and Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication of this notice announcing the voluntary testing and mandatory enrollment for a new method of submitting the Consolidated Reports of Condition and Income (Call Report; FFIEC 031 and 041). Testing will be conducted in three phases (a functional pilot, and end-to-end test, and a 100+ bank test), after which there will be mandatory global enrollment in the new system for all institutions that file the Call Report.

DATES: TESTING TIMEFRAME: Second and third quarters 2004.

FOR FURTHER INFORMATION CONTACT:

OCC: John Ference, Acting OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Cynthia M. Ayouch, Board Clearance Officer, (202) 452–2204, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device fort he Deaf (TDD) users may call (202) 263–4869.

FDIC: Steven F. Hanft, (202) 898–3907, Room MB–3064, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

Banks file Call Report data with the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of reporting banks and the industry as a whole. In addition, Call Report data provide the most current statistical data available for evaluating bank corporate applications such as mergers, for identifying areas of focus for both on-site and off-site examinations, and for monetary and other public policy purposes. Call Report data are also used to calculate all banks' deposit insurance and Financing Corporation assessments and national banks' semiannual assessment fees.

The FFIEC has contracted with the Unisys Corporation and its development team to build a Central Data Repository (CDR) for the collection, validation, and distribution of Call Report data submitted by banks. The FFIEC anticipates that implementation of the new CDR system will start with the Call Reports for September 30, 2004. Under this new system, all institutions will be required to file their Call Report data via the Internet using software that contains the FFIEC edits for validating Call Report data prior to submission. Call Report software vendors are currently modifying their software to incorporate these edits.

II. Testing and Global Enrollment

This notice announces the voluntary testing and mandatory enrollment for the new CDR System. As discussed below, the testing will be conducted in three phases (Functional Pilot, End-to-End Test, and 100+ Bank Test) and will be followed by a mandatory Global Enrollment phase.

- Functional Pilot: This testing phase would include fifteen banks beginning in approximately April 2004 and would use only test data (from the past five quarters). As part of this phase of testing each participating bank would be expected to sign a ''Letter of Intent'' signup system to set up user IDs and passwords. After enrollment the bank would work with its software vendor to install and test software that is compatible with the new CDR system. Simultaneously, the agencies would distribute testing instructions to each participating bank while the vendors distribute the new taxonomies and text data files to the banks. The banks would then prepare and submit their test Call Report data and subsequently participate in a validity edit failure resolution test. Finally, each bank would participate in feedback discussions regarding the results of the first phase of testing.
- End-to-End Test: This phase of testing would include thirty banks (the original fifteen banks plus fifteen additional banks) beginning in approximately May 2004, and would use both test data (from the past nine quarters) and a sample of the banks' actual data. The new banks would be required to complete the same procedures as the original banks in the Functional Pilot except for the enrollment portion, which would be completed through the Global Enrollment at a later time. At the commencement of phase two all thirty banks would have the new software release installed by the software. The banks would also participate in a test of the three helpdesks (software vendor helpdesks, CDR helpdesk, and Call Report Analyst assistance).
- 100+ Bank Test (Volume Test): This phase of testing would include 100 banks (the thirty banks from the End-to-End phase and seventy additional banks) beginning in approximately August 2004 and would use the banks' most recent quarter-end data. All participating banks would be required to complete the same procedures as were required in the first two test phases. In addition, this phase would require all participating banks to submit Call Report data twice, once via the legacy Electronic Data Systems Corporation process and once via the new CDR system. This type of testing is referred to as ''side-by-side testing,'' which enables the agencies to test whether identical and accurate results are received. Prior to the data transmission, banks will receive directions on the date and time for the submission of Call Report data to help ensure peak volume testing.* Global Enrollment: Enrollment will be available in approximately late August or early September 2004 for all banks. This phase is mandatory for all banks that file Call Report data with the agencies. (Only the original fifteen test banks that completed the enrollment process during the Functional Pilot will be fully exempt from the Global Enrollment.) Banks that participated in testing phases two and three would only be required to enroll (provide contact information and set up user IDs and passwords) via the CDR website. All other banks would be required to use the CDR website to enroll and download test data and would subsequently submit test Call Report data.

At the end of each testing phase the comments and recommendations received from the participating banks will be analyzed to determine the extent to which the FFIEC should modify the proposed testing and enrollment process.

[This signature page pertains to the joint notice]

Dated: December 15, 2003.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System.

Dated: December 24, 2003.

Jennifer J. Johnson,

Secretary of the Board.

Dated: at Washington, DC, this 24th day of December, 2003.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 04–56 Filed 1–06–04; 8:45 am]

BILLING CODE 4810–33; 6210–01; 6714–01–M

Federal Register

Wednesday,
January 7, 2004

Part II

Department of Defense

Department of the Air Force

32 CFR Part 806b

Privacy Act Program; Implementation; Final Rule

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

[Air Force Instruction 33–332]

Privacy Act Program; Implementation

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising its Privacy Act Program Instruction. The revision moves responsibility for the Air Force Privacy Program to Air Force Chief Information Officer; prescribes Air Force Visual Aid 33–276, Privacy Act Label as optional; adds the E-Government Act of 2002 requirement for a Privacy Impact Assessment for all information technology systems that collect, maintain, or disseminate information in identifiable form from or about members of the public; changes appeal processing from Air Force Communications and Information Center to Air Force Legal Services Agency; adds Privacy Act warning language to use on information systems subject to the Privacy Act, includes guidance on sending personal information via e-mail; adds procedures on complaints; and provides guidance on recall rosters; social rosters; consent statements, systems of records operated by a contractor, and placing information on shared drives.

EFFECTIVE DATE: November 28 2003.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043.

SUPPLEMENTARY INFORMATION: The proposed rule was published on September 25, 2003, at 68 FR 55337. One public comment was received regarding administrative clarifications needed for § 806b.15, Fees, and § 806b.17, Special Provisions for Certain Medical Records. We added a paragraph on fee waivers to address concerns for those cases where the total copies are slightly over the 100 free copy threshold. We moved the last sentence in § 806b.15(b) which states, ''The Privacy Act requires that we ultimately insure that the subject receives the records.'' to a separate paragraph under § 806b.17 to clearly show that the individual is entitled to their medical records under the Privacy Act.

Executive Order 12866, ''Regulatory Planning and Review''

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (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 this Executive order.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

It has been determined that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been determined that the Privacy Act rulemaking for the Department of Defense does not involve 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 and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

It has been determined that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Part 806b

Privacy.

■ For the reasons set forth in the preamble, the Department of the Air Force is revising 32 CFR part 806b to read as follows:

PART 806b—PRIVACY ACT PROGRAM

Subpart A—Overview of the Privacy Act Program

Sec.
806b.1 Summary of revisions.
806b.2 Basic guidelines.
806b.3 Violation penalties.
806b.4 Privacy Act complaints.
806b.5 Personal notes.
806b.6 Systems of records operated by a contractor.
806b.7 Responsibilities.

Subpart B—Obtaining Law Enforcement Records and Confidentiality Promises

806b.8 Obtaining law enforcement records.
806b.9 Confidentiality promises.

Subpart C—Collecting Personal Information

806b.10 How to collect personal information.
806b.11 When To Give Privacy Act Statements (PAS).
806b.12 Requesting the Social Security Number.

Subpart D—Giving Access to Privacy Act Records

806b.13 Making a request for access.
806b.14 Processing a request for access.
806b.15 Fees.
806b.16 Denying or limiting access.
806b.17 Special provision for certain medical records.
806b.18 Third party information in a Privacy Act System of records.
806b.19 Information compiled in anticipation of civil action.
806b.20 Denial authorities.

Subpart E—Amending the Record

806b.21 Amendment reasons.
806b.22 Responding to amendment requests.
806b.23 Approving or denying a record amendment.
806b.24 Seeking review of unfavorable Agency determinations.
806b.25 Contents of Privacy Act case files.

Subpart F—Appeals

806b.26 Appeal procedures.

Subpart G—Privacy Act Notifications

806b.27 When to include a Privacy Act warning statement in publications.
806b.28 Warning banners.
806b.29 Sending personal information over electronic mail.

Subpart H—Privacy Impact Assessments

806b.30 Evaluating information systems for Privacy Act compliance.

Subpart I—Preparing and Publishing System Notices for the Federal Register

806b.31 Publishing System notices.
806b.32 Submitting notices for publication in the **Federal Register**.
806b.33 Reviewing notices.

Subpart J—Protecting and Disposing of Records

806b.34 Protecting records.
806b.35 Balancing protection.
806b.36 Disposing of records.

Subpart K—Privacy Act Exemptions

806b.37 Exemption types.
806b.38 Authorizing exemptions.
806b.39 Requesting an exemption.
806b.40 Exemptions.

Subpart L—Disclosing Records to Third Parties

806b.41 Disclosure considerations.
806b.42 Social rosters.
806b.43 Placing personal information on shared drives.
806b.44 Personal information that requires protection.
806b.45 Releasable information.
806b.46 Disclosing other information.
806b.47 Rules for releasing Privacy Act information without the consent of the subject.
806b.48 Disclosing the medical records of minors.
806b.49 Disclosure accountings.
806b.50 Computer matching.
806b.51 Privacy and the Web.

Subpart M—Training

806b.52 Who needs training?
806b.53 Training tools.
806b.54 Information collections, records, and forms or Information Management Tools (IMT).
Appendix A to Part 806b—Definitions
Appendix B to Part 806b—Preparing a System Notice
Appendix C to Part 806b—DoD ''Blanket Routine Uses''
Appendix D to Part 806b—General and Specific Exemptions
Appendix E to Part 806b—Privacy Impact Assessment

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

Subpart A—Overview of the Privacy Act Program

§ 806b.1 Summary of revisions.

This part moves responsibility for the Air Force Privacy Program from Air Force Communications and Information Center to the Air Force Chief Information Officer; prescribes Air Force Visual Aid 33–276, Privacy Act Label as optional; adds the *E-Gov Act of 2002* requirement for a Privacy Impact Assessment for all information systems that are new or have major changes; changes appeal processing from Air Force Communications and Information Center to Air Force Legal Services Agency; adds Privacy Act warning language to use on information systems subject to the Privacy Act, includes guidance on sending personal information via e-mail; adds procedures on complaints; and provides guidance on recall rosters; social rosters; consent statements, systems of records operated by a contractor, and placing information on shared drives.

§ 806b.2 Basic guidelines.

This part implements the *Privacy Act of 1974* [1] and applies to records on living U.S. citizens and permanent resident aliens that are retrieved by name or personal identifier. This part also provides guidance on collecting and disseminating personal information in general.

(a) Records that are retrieved by name or personal identifier are subject to Privacy Act requirements and are referred to as Privacy Act systems of records. The Air Force must publish notices in the **Federal Register**, describing the collection of information for new, changed or deleted systems to inform the public and give them an opportunity to comment before implementing or changing the system. (see Appendix B to this part).

(b) An official system of records is:

(1) Authorized by law or Executive Order.

(2) Needed to carry out an Air Force mission or function.

(3) Published in the **Federal Register**.

(c) The Air Force will not:

(1) Keep records on how a person exercises First Amendment rights. Exceptions are when: The Air Force has the permission of that individual or is authorized by Federal statute; or the information pertains to, and is within the scope of, an authorized law enforcement activity. First Amendment rights include, but are not limited to, freedom of religion, freedom of political beliefs, freedom of speech, freedom of the press, the right to assemble, and the right to petition.

(2) Penalize or harass an individual for exercising rights guaranteed under the Privacy Act. We must reasonably help individuals exercise their rights under the Privacy Act.

(d) Air Force members will:

(1) Keep paper and electronic records that are retrieved by name or personal identifier only in approved Privacy Act systems published in the **Federal Register**.

(2) Collect, maintain, and use information in such systems, for purposes described in the published notice, to support programs authorized by law or Executive Order.

(3) Safeguard the records in the system and keep them the minimum time required.

(4) Ensure records are timely, accurate, complete, and relevant.

(5) Amend and correct records on request.

(6) Allow individuals to review and receive copies of their own records unless the Secretary of the Air Force approved an exemption for the system; or the Air Force created the records in anticipation of a civil action or proceeding (5 U.S.C. 552a(d)(5)).

(7) Provide a review of decisions that deny individuals access to or amendment of their records through appellate procedures.

§ 806b.3 Violation penalties.

An individual may file a civil law suit against the Air Force for failing to comply with the Privacy Act. The courts may find an individual offender guilty of a misdemeanor and fine that individual offender not more than $5,000 for:

(a) Willfully maintaining a system of records that doesn't meet the public notice requirements.

(b) Disclosing information from a system of records to someone not entitled to the information.

(c) Obtaining someone else's records under false pretenses.

§ 806b.4 Privacy Act complaints.

(a) Process Privacy Act complaints or allegations of Privacy Act violations through the appropriate base or Major Command Privacy Act office, to the local systems manager. The base or Major Command Privacy Act officer directs the process and provides guidance to the system manager. The local systems manager will investigate complaints, or allegations of Privacy Act violations; will establish and review the facts when possible; interview individuals as needed; determine validity of the complaint; take appropriate corrective action; and ensure a response is sent to the complainant through the Privacy Act Officer. In cases where no system manager can be identified, the local Privacy Act officer will assume these duties. Issues that cannot be resolved at the local level will be elevated to the Major Command Privacy Office. When appropriate, local system managers will also: refer cases for more formal investigation, refer cases for command disciplinary action, and consult the servicing Staff Judge Advocate. In combatant commands, process component unique system complaints through the respective component chain of command.

(b) For Privacy Act complaints filed in a U.S. District Court against the Air Force, an Air Force activity, or any Air Force employee, Air Force Legal Services Agency, General Litigation Division (JACL) will provide Air Force Chief Information Officer/P a litigation

[1] *http://www.usdoj.gov/04foia/privstat.htm.*

summary to include: The case number, requester name, the nature of the case (denial of access, refusal to amend, incorrect records, or specify the particular violation of the Privacy Act), date complaint filed, court, defendants, and any appropriate remarks, as well as updates during the litigation process. When the court renders a formal opinion or judgment, Air Force Legal Services Agency, General Litigation Division (JACL) sends Air Force Chief Information Officer/P a copy of the judgment and opinion.

§ 806b.5 Personal notes.

The Privacy Act does not apply to personal notes on individuals used as memory aids. Personal notes may become Privacy Act records if they are retrieved by name or other personal identifier and at least one of the following three conditions apply: Keeping or destroying the records is not at the sole discretion of the author; the notes are required by oral or written directive, regulation, or command policy; or they are shown to other agency personnel.

§ 806b.6 Systems of records operated by a contractor.

Contractors who are required to operate or maintain a Privacy Act system of records by contract must follow this part for collecting, safeguarding, maintaining, using, accessing, amending and disseminating personal information. The record system affected is considered to be maintained by the Air Force and is subject to this part. Systems managers for offices who have contractors operating or maintaining such record systems must ensure the contract contains the proper Privacy Act clauses, and identify the record system number, as required by the Defense Acquisition Regulation and this part.

(a) Contracts for systems of records operated or maintained by a contractor will be reviewed annually by the appropriate Major Command Privacy Officer to ensure compliance with this part.

(b) Disclosure of personal records to a contractor for use in the performance of an Air Force contract is considered a disclosure within the agency under exception (b)(1) of the Privacy Act (*see* § 806b.47(a)).

§ 806b.7 Responsibilities.

(a) The Air Force Chief Information Officer is the senior Air Force Privacy Official with overall responsibility for the Air Force Privacy Act Program.

(b) The Office of the General Counsel to the Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) makes final decisions on appeals.

(c) The General Litigation Division, Air Force Legal Services Agency (JACL), receives Privacy Act appeals and provides recommendations to the appellate authority. Service unique appeals, from combatant commands, should go through the respective chain of command.

(d) The Plans and Policy Directorate, Office of the Chief Information Officer manages the program through the Air Force Privacy Act Officer who:

(1) Administers procedures outlined in this part.

(2) Reviews publications and forms for compliance with this part.

(3) Reviews and approves proposed new, altered, and amended systems of records; and submits system notices and required reports to the Defense Privacy Office.

(4) Serves as the Air Force member on the Defense Privacy Board and the Defense Data Integrity Board.

(5) Provides guidance and assistance to Major Commands, field operating agencies, direct reporting units and combatant commands for which AF is executive agent in their implementation and execution of the Air Force Privacy Program. Ensures availability of training and training tools for a variety of audiences.

(6) Provides advice and support to those commands to ensure that information requirements developed to collect or maintain personal data conform to Privacy Act standards; and that appropriate procedures and safeguards are developed, implemented, and maintained to protect the information.

(e) Major Command commanders, and Deputy Chiefs of Staff and comparable officials at Secretary of the Air Force and Headquarters United States Air Force offices implement this part.

(f) 11th Communications Squadron will provide Privacy Act training and submit Privacy Act reports for Headquarters United States Air Force and Secretary of the Air Force offices.

(g) Major Command Commanders: Appoint a command Privacy Act officer, and send the name, office symbol, phone number, and e-mail address to Air Force Chief Information Officer/P.

(h) Major Command and Headquarters Air Force Functional Chief Information Officers:

(1) Review and provide final approval on Privacy Impact Assessments (*see* Appendix E of this part).

(2) Send a copy of approved Privacy Impact Assessments to Air Force Chief Information Officer/P.

(i) Major Command Privacy Act Officers:

(1) Train base Privacy Act officers. May authorize appointment of unit Privacy Act monitors to assist with implementation of the program.

(2) Promote Privacy Act awareness throughout the organization.

(3) Review publications and forms for compliance with this part (do forms require a Privacy Act Statement; is Privacy Act Statement correct?).

(4) Submit reports as required.

(5) Review system notices to validate currency.

(6) Evaluate the health of the program at regular intervals using this part as guidance.

(7) Review and provide recommendations on completed Privacy Impact Assessments for information systems.

(8) Resolve complaints or allegations of Privacy Act violations.

(9) Review and process denial recommendations.

(10) Provide guidance as needed to functionals on implementing the Privacy Act.

(j) Base Privacy Act Officers:

(1) Provide guidance and training to base personnel.

(2) Submit reports as required.

(3) Review publications and forms for compliance with this part.

(4) Review system notices to validate currency.

(5) Direct investigations of complaints/violations.

(6) Evaluate the health of the program at regular intervals using this part as guidance.

(k) System Managers:

(1) Manage and safeguard the system.

(2) Train users on Privacy Act requirements.

(3) Protect records from unauthorized disclosure, alteration, or destruction.

(4) Prepare system notices and reports.

(5) Answer Privacy Act requests.

(6) Records of disclosures.

(7) Validate system notices annually.

(8) Investigate Privacy Act complaints.

(l) System owners and developers:

(1) Decide the need for, and content of systems.

(2) Evaluate Privacy Act requirements of information systems in early stages of development.

(3) Complete a Privacy Impact Assessment and submit to the Privacy Act Officer.

Subpart B—Obtaining Law Enforcement Records and Confidentiality Promises

§ 806b.8 Obtaining law enforcement records.

The Commander, Air Force Office of Special Investigation; the Commander, Air Force Security Forces Center; Major Command, Field Operating Agency, and base chiefs of security forces; Air Force Office of Special Investigations detachment commanders; and designees of those offices may ask another agency for records for law enforcement under 5 U.S.C. 552a(b)(7). The requesting office must indicate in writing the specific part of the record desired and identify the law enforcement activity asking for the record.

§ 806b.9 Confidentiality promises.

Promises of confidentiality must be prominently annotated in the record to protect from disclosure any ''confidential'' information under 5 United States Code 552a(k)(2), (k)(5), or (k)(7) of the Privacy Act.

Subpart C—Collecting Personal Information

§ 806b.10 How to collect personal information.

Collect personal information directly from the subject of the record whenever possible. Only ask third parties when:

(a) You must verify information.

(b) You want opinions or evaluations.

(c) You can't contact the subject.

(d) You are doing so at the request of the subject individual.

§ 806b.11 When to give Privacy Act Statements (PAS).

(a) Give a PAS orally or in writing to the subject of the record when you are collecting information from them that will go in a system of records. Note: Do this regardless of how you collect or record the answers. You may display a sign in areas where people routinely furnish this kind of information. Give a copy of the Privacy Act Statement if asked. Do not ask the person to sign the Privacy Act Statement.

(b) A Privacy Act Statement must include four items:

(1) *Authority:* The legal authority, that is, the U.S.C. or Executive Order authorizing the program the system supports.

(2) *Purpose:* The reason you are collecting the information and what you intend to do with it.

(3) *Routine Uses:* A list of where and why the information will be disclosed outside DoD.

(4) *Disclosure:* Voluntary or Mandatory. (Use Mandatory only when disclosure is required by law and the individual will be penalized for not providing information.) Include any consequences of nondisclosure in non-threatening language.

§ 806b.12 Requesting the Social Security Number.

When asking an individual for his or her Social Security Number, always give a Privacy Act Statement that tells the person: The legal authority for requesting it; the uses that will be made of the Social Security Number; and whether providing the Social Security Number is voluntary or mandatory. Do not deny anyone a legal right, benefit, or privilege for refusing to give their Social Security Number unless the law requires disclosure, or a law or regulation adopted before January 1, 1975 required the Social Security Number and the Air Force uses it to verify a person's identity in a system of records established before that date.

(a) The Air Force requests an individual's Social Security Number and provides the individual information required by law when anyone enters military service or becomes an Air Force civilian employee. The Air Force uses the Social Security Number as a service or employment number to reference the individual's official records. When you ask someone for a Social Security Number as identification to retrieve an existing record, you do not have to restate this information.

(b) Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons* [2], authorizes using the Social Security Number as a personal identifier. This order is not adequate authority to collect a Social Security Number to create a record. When law does not require disclosing the Social Security Number or when the system of records was created after January 1, 1975, you may ask for the Social Security Number, but the individual does not have to disclose it. If the individual refuses to respond, use alternative means of identifying records.

(c) Social Security Numbers are personal and unique to each individual. Protect them as for official use only (FOUO).

Within DoD, do not disclose them to anyone without an official need to know. Outside DoD, they are not releasable without the person's consent, or unless authorized under one of the 12 exceptions to the Privacy Act (see § 806b.47).

[2] *http://resource.lawlinks.com/content/legal_research/Executive_Orders/1940–1960/executive_order_9397.htm.*

Subpart D—Giving Access to Privacy Act Records

§ 806b.13 Making a Request for Access.

Persons or their designated representatives may ask for a copy of their records in a system of records. Requesters need not state why they want access to their records. Verify the identity of the requester to avoid unauthorized disclosures. How you verify identity will depend on the sensitivity of the requested records. Persons may use a notary or an unsworn declaration in the following format: ''I declare under penalty of perjury (if outside the United States, add ''under the laws of the United States of America'') that the foregoing is true and correct. Executed on (date). (Signature).''

§ 806b.14 Processing a Request for Access.

Consider a request from an individual for his or her own records in a system of records under both the Freedom of Information Act and the Privacy Act regardless of the Act cited. The requester does not need to cite either Act if the records they want are contained in a system of records. Process the request under whichever Act gives the most information. When necessary, tell the requester which Act you used and why.

(a) Requesters should describe the records they want. They do not have to name a system of records number, but they should at least name a type of record or functional area. For requests that ask for ''all records about me,'' ask for more information and tell the person how to review the Air Force systems of records published in the **Federal Register** or at *http://www.defenselink.mil/privacy/notices/usaf*.

(b) Requesters should not use government equipment, supplies, stationery, postage, telephones, or official mail channels for making Privacy Act requests. System managers will process such requests and tell requesters that using government resources to make Privacy Act requests is not authorized.

(c) Tell the requester if a record exists and how to review the record. If possible, respond to requests within 10 workdays of receipt. If you cannot answer the request in 10 workdays, send a letter explaining why and give an approximate completion date no more than 20 workdays after the first office received the request.

(d) Show or give a copy of the record to the requester within 30 workdays of receiving the request unless the system

is exempt and the Air Force lists the exemption in Appendix D to this part; or it is published in this section; or published as a final rule in the **Federal Register**. Give information in a form the requester can understand. If the system is exempt under the Privacy Act, provide any parts releasable under the Freedom of Information Act, with appeal rights (*See* subpart F of this part), citing appropriate exemptions from the Privacy Act and the Freedom of Information Act, if applicable.

(e) If the requester wants another person present during the record review, the system manager may ask for written consent to authorize discussing the record with another person present.

§ 806b.15 Fees.

Give the first 100 pages free, and charge only reproduction costs for the remainder. Copies cost $.15 per page; microfiche costs $.25 per fiche. Charge fees for all pages for subsequent requests for the same records. Do not charge fees:

(a) When the requester can get the record without charge under another publication (for example, medical records).

(b) For search.

(c) For reproducing a document for the convenience of the Air Force.

(d) For reproducing a record so the requester can review it.

Fee waivers. Waive fees automatically if the direct cost of reproduction is less than $15, unless the individual is seeking an obvious extension or duplication of a previous request for which he or she was granted a waiver. Decisions to waive or reduce fees that exceed $15 are made on a case-by-case basis.

§ 806b.16 Denying or limiting access.

System managers process access denials within 5 workdays after you receive a request for access. When you may not release a record, send a copy of the request, the record, and why you recommend denying access (include the applicable exemption) to the denial authority through the legal office and the Privacy Act office. Judge Advocate offices will include a written legal opinion. The Privacy Act officer reviews the file, and makes a recommendation to the denial authority. The denial authority sends the requester a letter with the decision. If the denial authority grants access, release the record. If the denial authority refuses access, tell the requester why and explain pertinent appeal rights (*see* subpart F of this part). Before you deny a request for access to a record, make sure that:

(a) The system has an exemption rule published in the **Federal Register** as a final rule.

(b) The exemption covers each document. (All parts of a system are not automatically exempt.)

(c) Nonexempt parts are segregated.

§ 806b.17 Special provision for certain medical records.

If a physician believes that disclosing requested medical records could harm the person's mental or physical health, you should:

(a) Ask the requester to get a letter from a physician to whom you can send the records. Include a letter explaining to the physician that giving the records directly to the individual could be harmful.

(b) Offer the services of a military physician other than one who provided treatment if naming the physician poses a hardship on the individual.

(c) The Privacy Act requires that we ultimately insure that the subject receives the records.

§ 806b.18 Third party information in a Privacy Act System of Record.

Ordinarily a person is entitled to their entire record under the Privacy Act. However, the law is not uniform regarding whether a subject is entitled to information that is not ''about'' him or her (for example, the home address of a third party contained in the subject's records). Consult your servicing Staff Judge Advocate before disclosing third party information. Generally, if the requester will be denied a right, privilege or benefit, the requester must be given access to relevant portions of the file.

§ 806b.19 Information compiled in anticipation of civil action.

Withhold records compiled in connection with a civil action or other proceeding including any action where the Air Force expects judicial or administrative adjudicatory proceedings. This exemption does not cover criminal actions. Do not release attorney work products prepared before, during, or after the action or proceeding.

§ 806b.20 Denial authorities.

These officials or a designee may deny access or amendment of records as authorized by the Privacy Act. Send a letter to Air Force Chief Information Officer/P with the position titles of designees. Authorities are:

(a) Deputy Chief of Staffs and chiefs of comparable offices or higher level at Secretary of the Air Force or Headquarters United States Air Force or designees.

(b) Major Command, Field Operating Agency, or direct reporting unit commanders or designees.

(c) Director, Personnel Force Management, 1040 Air Force Pentagon, Washington, DC 20330–1040 (for civilian personnel records).

(d) Commander, Air Force Office of Special Investigations, Washington, DC 20332–6001 (for Air Force Office of Special Investigations records).

(e) Unified Commanders or designees.

Subpart E—Amending the Record

§ 806b.21 Amendment reasons.

Individuals may ask to have their records amended to make them accurate, timely, relevant, or complete. System managers will routinely correct a record if the requester can show that it is factually wrong (*e.g.*, date of birth is wrong).

§ 806b.22 Responding to amendment requests.

(a) Anyone may request minor corrections orally. Requests for more serious modifications should be in writing.

(b) After verifying the identity of the requester, make the change, notify all known recipients of the record, and inform the individual.

(c) Acknowledge requests within 10 workdays of receipt. Give an expected completion date unless you complete the change within that time. Final decisions must take no longer than 30 workdays.

§ 806b.23 Approving or denying a record amendment.

The Air Force does not usually amend a record when the change is based on opinion, interpretation, or subjective official judgment. Determinations not to amend such records constitutes a denial, and requesters may appeal (*see* Subpart F of this part).

(a) If the system manager decides not to amend the record, send a copy of the request, the record, and the recommended denial reasons to the denial authority through the legal office and the Privacy Act office. Legal offices will include a written legal opinion. The Privacy Act officer reviews the proposed denial and legal opinion and makes a recommendation to the denial authority.

(b) The denial authority sends the requester a letter with the decision. If the denial authority approves the request, amend the record and notify all previous recipients that it has been changed. If the authority denies the request, give the requester the statutory authority, reason, and pertinent appeal rights (see subpart F of this part).

§ 806b.24 Seeking review of unfavorable Agency determinations.

Requesters should pursue record corrections of subjective matters and opinions through proper channels to the Civilian Personnel Office using grievance procedures or the Air Force Board for Correction of Military Records. Record correction requests denied by the Air Force Board for Correction of Military Records are not subject to further consideration under this part. Military personnel, other than U.S. Air Force personnel, should pursue service-unique record corrections through their component chain of command.

§ 806b.25 Contents of Privacy Act case files.

Do not keep copies of disputed records in this file. File disputed records in their appropriate series. Use the file solely for statistics and to process requests. Do not use the case files to make any kind of determination about an individual. Document reasons for untimely responses. These files include:

(a) Requests from and replies to individuals on whether a system has records about them.

(b) Requests for access or amendment.

(c) Approvals, denials, appeals, and final review actions.

(d) Coordination actions and related papers.

Subpart F—Appeals

§ 806b.26 Appeal procedures.

Individuals who receive a denial to their access or amendment request may request a denial review by writing to the Secretary of the Air Force, through the denial authority, within 60 calendar days after receiving a denial letter. The denial authority promptly sends a complete appeal package to Air Force Legal Services Agency, General Litigation Division (JACL). The package must include:

(1) The original appeal letter;

(2) The initial request;

(3) The initial denial;

(4) A copy of the record;

(5) Any internal records or coordination actions relating to the denial;

(6) The denial authority's comments on the appellant's arguments; and

(7) The legal reviews.

(a) If the denial authority reverses an earlier denial and grants access or amendment, notify the requester immediately.

(b) Air Force Legal Services Agency, General Litigation Division (JACL) reviews the denial and provides a final recommendation to Secretary of the Air Force, Fiscal and Administrative Law Division (GCA). Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) tells the requester the final Air Force decision and explains judicial review rights.

(c) The requester may file a concise statement of disagreement with the system manager if Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) denies the request to amend the record. Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) explains the requester's rights when they issue the final appeal decision.

(d) The records should clearly show that a statement of disagreement is filed with the record or separately.

(e) The disputed part of the record must show that the requester filed a statement of disagreement.

(f) Give copies of the statement of disagreement to the record's previous recipients. Inform subsequent record users about the dispute and give them a copy of the statement with the record.

(g) The system manager may include a brief summary of the reasons for not amending the record. Limit the summary to the reasons Secretary of the Air Force, Fiscal and Administrative Law Division (GCA) gave to the individual. The summary is part of the individual's record, but it is not subject to amendment procedures.

Subpart G—Privacy Act Notifications

§ 806b.27 When to include a Privacy Act warning statement in publications.

Include a Privacy Act Warning Statement in each Air Force publication that requires collecting or keeping information in a system of records. Also include the Warning Statement when publications direct collection of the Social Security Number, or any part of the Social Security Number, from the individual. The warning statement will cite legal authority and when part of a record system, the Privacy Act system of records number and title. You can use the following warning statement: ''This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by (U.S.C. citation and or Executive Order number). System of records notice (number and title) applies.''

§ 806b.28. Warning banners.

Information systems that contain information on individuals that is retrieved by name or personal identifier are subject to the Privacy Act. The Privacy Act requires these systems to have a Privacy Act system notice published in the **Federal Register** that covers the information collection before collection begins. In addition, all information systems subject to the Privacy Act will have warning banners displayed on the first screen (at a minimum) to assist in safeguarding the information. Use the following language for the banner: ''PRIVACY ACT INFORMATION—The information accessed through this system is FOR OFFICIAL USE ONLY and must be protected in accordance with the Privacy Act and Air Force Instruction 33–332.''

§ 806b.29 Sending personal information over electronic mail.

(a) Exercise caution before transmitting personal information over e-mail to ensure it is adequately safeguarded. Some information may be so sensitive and personal that e-mail may not be the proper way to transmit it. When sending personal information over e-mail within DoD, ensure: There is an official need; all addressee(s) (including ''cc'' addressees) are authorized to receive it under the Privacy Act; and it is protected from unauthorized disclosure, loss, or alteration. Protection methods may include encryption or password protecting the information in a separate Word document. When transmitting personal information over e-mail, add ''FOUO'' to the beginning of the subject line, followed by the subject, and apply the following statement at the beginning of the e-mail:

> ''This e-mail contains For Official Use Only (FOUO) information which must be protected under the Privacy Act and Air Force Instruction 33–332.''

(b) Do not indiscriminately apply this statement to e-mails. Use it only in situations when you are actually transmitting personal information. DoD Regulation 5400.7/Air Force Supp, Chapter 4[3], provides additional guidance regarding For Official Use Only information.

(c) Do not disclose personal information to anyone outside DoD unless specifically authorized by the Privacy Act (see § 806b.47).

(d) Do not send Privacy Act information to distribution lists or group e-mail addresses unless each member has an official need to know the personal information. When in doubt, send only to individual accounts.

(e) Before forwarding e-mails you have received that contain personal information, verify that your intended recipients are authorized to receive the

[3] *http://www.dtic.mil/whs/directives/corres/pdf/54007r_0998/p54007r.pdf.*

information under the Privacy Act (see § 806b.47).

Subpart H—Privacy Impact Assessments

§ 806b.30 Evaluating information systems for Privacy Act compliance.

Information system owners and developers must address Privacy Act requirements in the development stage of the system and integrate privacy protections into the development life cycle of the information system. This is accomplished with a Privacy Impact Assessment.

(a) The Privacy Impact Assessment addresses what information is to be collected; why the information is being collected; the intended use of the information; with whom the information will be shared; what notice or opportunities for the individual to decline or consent to providing the information collected, and how that information is shared; secured; and whether a system of records is being created, or an existing system is being amended. The E-Government Act of 2002 [4] requires Privacy Impact Assessments to be conducted before:

(1) Developing or procuring information technology systems or projects that collect, maintain, or disseminate information in identifiable form from or about members of the public.

(2) Initiating a new electronic collection of information in identifiable form for 10 or more persons excluding agencies, instrumentalities, or employees of the Federal Government.

(b) In general, Privacy Impact Assessments are required to be performed and updated as necessary where a system change creates new privacy risks.

(c) No Privacy Impact Assessment is required where information relates to internal government operations, has been previously assessed under an evaluation similar to a Privacy Impact Assessment, or where privacy issues are unchanged.

(d) The depth and content of the Privacy Impact Assessment should be appropriate for the nature of the information to be collected and the size and complexity of the information technology system.

(e) The system owner will conduct a Privacy Impact Assessment as outlined in appendix E to this part and send it to their Major Command Privacy Act office for review and final approval by the Major Command or Headquarters Air Force Functional Chief Information Officer. The Major Command or Headquarters Air Force Functional Chief Information Officer will send a copy of approved Privacy Impact Assessments to Air Force Chief Information Officer/P, 1155 Air Force Pentagon, Washington DC 20330–1155; or e-mail *af.foia@pentagon.af.mil.*

(f) Whenever practicable, approved Privacy Impact Assessments will be posted to the Freedom of Information Act/Privacy Act Web site for public access at *http://www.foia.af.mil* (this requirement will be waived for security reasons, or to protect classified, sensitive, or private information contained in an assessment).

Subpart I—Preparing and Publishing System Notices for the Federal Register

§ 806b.31 Publishing system notices.

The Air Force must publish notices in the **Federal Register** of new, changed, and deleted systems to inform the public of what records the Air Force keeps and give them an opportunity to comment before the system is implemented or changed. The Privacy Act also requires submission of new or significantly changed systems to the Office of Management and Budget and both houses of Congress before publication in the **Federal Register**. This includes:

(a) Starting a new system.

(b) Instituting significant changes to an existing system.

(c) Sending out data collection forms or instructions.

(d) Issuing a request for proposal or invitation for bid to support a new system.

§ 806b.32 Submitting notices for publication in the Federal Register.

At least 120 days before implementing a new system, or a major change to an existing system, subject to this part, system managers must send a proposed notice, through the Major Command Privacy Office, to Air Force Chief Information Officer/P. Send notices electronically to *af.foia@pentagon.af.mil* using Microsoft Word, using the Track Changes tool in Word to indicate additions/changes to existing notices. Follow the format outlined in Appendix B to this part. For new systems, system managers must include a statement that a risk assessment was accomplished and is available should the Office of Management and Budget request it.

§ 806b.33 Reviewing notices.

System managers will review and validate their Privacy Act system notices annually and submit changes to Air Force Chief Information Officer/P through the Major Command Privacy Office.

Subpart J—Protecting and Disposing of Records

§ 806b.34 Protecting records.

Maintaining information privacy is the responsibility of every federal employee, military member, and contractor who comes into contact with information in identifiable form. Protect information according to its sensitivity level. Consider the personal sensitivity of the information and the risk of disclosure, loss or alteration. Most information in systems of records is FOUO. Refer to DoD 5400.7–R/Air Force Supp, DoD Freedom of Information Act Program, for protection methods.

§ 806b.35 Balancing protection.

Balance additional protection against sensitivity, risk and cost. In some situations, a password may be enough protection for an automated system with a log-on protocol. Others may require more sophisticated security protection based on the sensitivity of the information. Classified computer systems or those with established audit and password systems are obviously less vulnerable than unprotected files. Follow Air Force Instruction 33–202, *Computer Security*,[5] for procedures on safeguarding personal information in automated records.

(a) AF Form 3227, Privacy Act Cover Sheet,[6] is optional and available for use with Privacy Act material. Use it to cover and protect personal information that you are using in office environments that are widely unprotected and accessible to many individuals. After use, such information should be protected as outlined in DoD 5400.7–R/Air Force Supp.

(b) Privacy Act Labels. Use of Air Force Visual Aid 33–276, Privacy Act Label, is optional to assist in protecting Privacy Act information on compact disks, diskettes, and tapes.

§ 806b.36 Disposing of records.

You may use the following methods to dispose of records protected by the Privacy Act and authorized for destruction according to records retention schedules:

(a) Destroy by any method that prevents compromise, such as tearing, burning, or shredding, so long as the personal data is not recognizable and beyond reconstruction.

[4] *http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ347.107.pdf.*

[5] *http://www.e-publishing.af.mil/pubfiles/af/33/afi33–202/afi33–202.pdf.*

[6] *http://www.e-publishing.af.mil/formfiles/af/af3227/af3227.xfd.*

(b) Degauss or overwrite magnetic tapes or other magnetic medium.

(c) Dispose of paper products through the Defense Reutilization and Marketing Office or through activities that manage a base-wide recycling program. The recycling sales contract must contain a clause requiring the contractor to safeguard privacy material until its destruction and to pulp, macerate, shred, or otherwise completely destroy the records. Originators must safeguard Privacy Act material until it is transferred to the recycling contractor. A Federal employee or, if authorized, a contractor employee must witness the destruction. This transfer does not require a disclosure accounting.

Subpart K—Privacy Act Exemptions

§ 806b.37 Exemption types.

There are two types of exemptions permitted by 5 U.S.C. 552a:

(a) A *General exemption* authorizes the exemption of a system of records from most parts of the Privacy Act.

(b) A *Specific exemption* authorizes the exemption of a system of records from only a few parts.

§ 806b.38 Authorizing exemptions.

Denial authorities may withhold records using Privacy Act exemptions only when an exemption for the system of records has been published in the **Federal Register** as a final rule. Appendix D lists the systems of records that have published exemptions with rationale.

§ 806b.39 Requesting an exemption.

A system manager who believes that a system needs an exemption from some or all of the requirements of the Privacy Act will send a request to Air Force Chief Information Officer/P through the Major Command or Field Operating Agency Privacy Act Officer. The request will detail the reasons for the exemption, the section of the Act that allows the exemption, and the specific subsections of the Privacy Act from which the system is to be exempted, with justification for each subsection.

§ 806b.40 Exemptions.

Exemptions permissible under 5 U.S.C. 552a (subject to § 806b.38 of this part):

(a) *The (j)(2) exemption.* Applies to investigative records created and maintained by law-enforcement activities whose principal function is criminal law enforcement.

(b) *The (k)(1) exemption.* Applies to information specifically authorized to be classified under the DoD Information Security Program Regulation, 32 CFR part 159.

(c) *The (k)(2) exemption.* Applies to investigatory information compiled for law-enforcement purposes by nonlaw enforcement activities and which is not within the scope of Sec. 806b.40(a) of this part. However, the Air Force must allow an individual access to any record that is used to deny rights, privileges or benefits to which he or she would otherwise be entitled by Federal law or for which he or she would otherwise be eligible as a result of the maintenance of the information (unless doing so would reveal a confidential source).

(d) *The (k)(3) exemption.* Applies to records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506.

(e) *The (k)(4) exemption.* Applies to records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlement of an individual except for census records which may be disclosed under 13 U.S.C. 8.

(f) *The (k)(5) exemption.* Applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information, but only to the extent such material would reveal the identity of a confidential source. This provision allows protection of confidential sources used in background investigations, employment inquiries, and similar inquiries that are for personnel screening to determine suitability, eligibility, or qualifications.

(g) *The (k)(6) exemption.* Applies to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal or military service, if the disclosure would compromise the objectivity or fairness of the test or examination process.

(h) *The (k)(7) exemption.* Applies to evaluation material used to determine potential for promotion in the Military Services, but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

Subpart L—Disclosing Records to Third Parties

§ 806b.41 Disclosure considerations.

The Privacy Act requires the written consent of the subject before releasing personal information to third parties, unless one of the 12 exceptions of the Privacy Act applies (see § 806b.47). Use this checklist before releasing personal information to third parties: Make sure it is authorized under the Privacy Act; consider the consequences; and check the accuracy of the information. You can release personal information to third parties when the subject agrees in writing. Air Force members consent to releasing their home telephone number and address when they sign and check the ''Do Consent'' block on the AF Form 624, Base/Unit Locator and Postal Service Center Directory [7] (see Air Force Instruction 33–329, *Base and Unit Personnel Locators* [8]).

§ 806b.42 Social rosters.

Before including personal information such as spouses names, home addresses, home phones, and similar information on social rosters or directories that are shared with groups of individuals, ask for signed consent statements. Otherwise, do not include the information. Consent statements must give the individual a choice to consent or not consent, and clearly tell the individual what information is being solicited, the purpose, to whom you plan to disclose the information, and that consent is voluntary. Maintain the signed statements until no longer needed.

§ 806b.43 Placing personal information on shared drives.

Personal information should never be placed on shared drives for access by groups of individuals unless each person has an official need to know the information to perform their job. Add appropriate access controls to ensure access by only authorized individuals. Recall rosters are FOUO because they contain personal information and should be shared with small groups at the lowest levels for official purposes to reduce the number of people with access to such personal information. Commanders and supervisors should give consideration to those individuals with unlisted phone numbers, who do not want their number included on the office recall roster. In those instances, disclosure to the Commander or immediate supervisor, or deputy, should normally be sufficient.

§ 806b.44 Personal information that requires protection.

Following are some examples of information that is not releasable without the written consent of the subject. This list is not all-inclusive.

(a) Marital status (single, divorced, widowed, separated).

(b) Number, name, and sex of dependents.

[7] *http://www.e-publishing.af.mil/formfiles/af/af624/af624.xfd*

[8] *http://www.e-publishing.af.mil/pubfiles/af/33/afi33–329/afi33–329.pdf.*

(c) Civilian educational degrees and major areas of study (unless the request for the information relates to the professional qualifications for Federal employment).

(d) School and year of graduation.

(e) Home of record.

(f) Home address and phone.

(g) Age and date of birth (year).

(h) Present or future assignments for overseas or for routinely deployable or sensitive units.

(i) Office and unit address and duty phone for overseas or for routinely deployable or sensitive units.

(j) Race/ethnic origin.

(k) Educational level (unless the request for the information relates to the professional qualifications for Federal employment).

(l) Social Security Number.

§ 806b.45. Releasable information.

Following are examples of information normally releasable to the public without the written consent of the subject. This list is not all-inclusive.

(a) Name.

(b) Rank.

(c) Grade.

(d) Air Force specialty code.

(e) Pay (including base pay, special pay, all allowances except Basic Allowance for Quarters and Variable Housing Allowance).

(f) Gross salary for civilians.

(g) Past duty assignments, unless sensitive or classified.

(h) Present and future approved and announced stateside assignments.

(i) Position title.

(j) Office, unit address, and duty phone number (Continental United States (CONUS) only).

(k) Date of rank.

(l) Entered on active duty date.

(m) Pay date.

(n) Source of commission.

(o) Professional military education.

(p) Promotion sequence number.

(q) Military awards and decorations.

(r) Duty status of active, retired, or reserve.

(s) Active duty official attendance at technical, scientific, or professional meetings.

(t) Biographies and photos of key personnel.

(u) Date of retirement, separation.

§ 806b.46 Disclosing other information.

Use these guidelines to decide whether to release information:

(a) Would the subject have a reasonable expectation of privacy in the information requested?

(b) Would disclosing the information benefit the general public? The Air Force considers information as meeting the public interest standard if it reveals anything regarding the operations or activities of the agency, or performance of its statutory duties.

(c) Balance the public interest against the individual's probable loss of privacy. Do *not* consider the requester's purpose, circumstances, or proposed use.

§ 806b.47 Rules for releasing Privacy Act information without consent of the subject.

The Privacy Act prohibits disclosing personal information to anyone other than the subject of the record without his or her written consent. There are twelve exceptions to the ''no disclosure without consent'' rule. Those exceptions permit release of personal information without the individual's consent only in the following instances:

(a) *Exception 1.* DoD employees who have a need to know the information in the performance of their official duties.

(b) *Exception 2.* In response to a Freedom of Information Act request for information contained in a system of records about an individual and the Freedom of Information Act requires release of the information.

(c) *Exception 3.* To agencies outside DoD only for a Routine Use published in the **Federal Register**. The purpose of the disclosure must be compatible with the intended purpose of collecting and maintaining the record. When initially collecting the information from the subject, the Routine Uses block in the Privacy Act Statement must name the agencies and reason.

Note to paragraph (c): In addition to the Routine Uses established by the Department of the Air Force within each system of records, the DoD has established ''Blanket Routine Uses'' that apply to all record systems maintained by the Department of the Air Force. These ''Blanket Routine Uses'' have been published only once at the beginning of the Department of the Air Force's **Federal Register** compilation of record systems notices in the interest of simplicity, economy and to avoid redundancy. Unless a system notice specifically excludes a system of records from a ''Blanket Routine Use,'' all ''Blanket Routine Uses'' apply to that system (see Appendix C to this part).

(d) *Exception 4.* The Bureau of the Census to plan or carry out a census or survey under Title 13, U.S.C. Section 8.

(e) *Exception 5.* A recipient for statistical research or reporting. The recipient must give advanced written assurance that the information is for statistical purposes only. **Note:** No one may use any part of the record to decide on individuals' rights, benefits, or entitlements. You must release records in a format that makes it impossible to identify the real subjects.

(f) *Exception 6.* The National Archives and Records Administration to evaluate records for permanent retention. Records stored in Federal Records Centers remain under Air Force control.

(g) *Exception 7.* A Federal, State, or local agency (other than DoD) for civil or criminal law enforcement. The head of the agency or a designee must send a written request to the system manager specifying the record or part needed and the law enforcement purpose. In addition, the 'blanket routine use'' for law enforcement allows the system manager to disclose a record to a law enforcement agency if the agency suspects a criminal violation.

(h) *Exception 8.* An individual or agency that needs the information for compelling health or safety reasons. The affected individual need not be the record subject.

(i) *Exception 9.* Either House of Congress, a congressional committee, or a subcommittee, for matters within their jurisdictions. The request must come from the committee chairman or ranking minority member (see Air Force Instruction 90–401, Air Force Relations With Congress).[9]

(1) Requests from a Congressional member acting on behalf of the record subject are evaluated under the routine use of the applicable system notice. If the material for release is sensitive, get a release statement.

(2) Requests from a Congressional member not on behalf of a committee or the record subject are properly analyzed under the Freedom of Information Act, and not under the Privacy Act.

(j) *Exception 10.* The Comptroller General or an authorized representative of the General Accounting Office (GAO) to conduct official GAO business.

(k) *Exception 11.* A court of competent jurisdiction, with a court order signed by a judge.

(l) *Exception 12.* A consumer reporting agency in accordance with 31 U.S.C. 3711(e). Ensure category element is represented within the system of records notice.

§ 806b.48. Disclosing the medical records of minors.

Air Force personnel may disclose the medical records of minors to their parents or legal guardians in conjunction with applicable Federal laws and guidelines. The laws of each state define the age of majority.

(a) The Air Force must obey state laws protecting medical records of drug or alcohol abuse treatment, abortion, and birth control. If you manage medical

[9] *http://www.e-publishing.af.mil/pubfiles/af/90/afi90-401/afi90-401.pdf.*

records, learn the local laws and coordinate proposed local policies with the servicing Staff Judge Advocate.

(b) Outside the United States (overseas), the age of majority is 18. Unless parents or guardians have a court order granting access or the minor's written consent, they will not have access to minor's medical records overseas when the minor sought or consented to treatment between the ages of 15 and 17 in a program where regulation or statute provides confidentiality of records and he or she asked for confidentiality.

§ 806b.49. Disclosure accountings.

System managers must keep an accurate record of all disclosures made from any system of records except disclosures to DoD personnel for official use or disclosures under the Freedom of Information Act. System managers may use Air Force Form 771[10], Accounting of Disclosures. Retain disclosure accountings for 5 years after the disclosure, or for the life of the record, whichever is longer.

(a) System managers may file the accounting record any way they want as long as they give it to the subject on request, send corrected or disputed information to previous record recipients, explain any disclosures, and provide an audit trail for reviews. Include in each accounting:

(1) Release date.

(2) Description of information.

(3) Reason for release.

(4) Name and address of recipient.

(5) Some exempt systems let you withhold the accounting record from the subject.

(b) You may withhold information about disclosure accountings for law enforcement purposes at the law enforcement agency's request.

§ 806b.50. Computer matching.

Computer matching programs electronically compare records from two or more automated systems that may include DoD, another Federal agency, or a state or other local government. A system manager proposing a match that could result in an adverse action against a Federal employee must meet these requirements of the Privacy Act:

(1) Prepare a written agreement between participants;

(2) Secure approval of the Defense Data Integrity Board;

(3) Publish a matching notice in the **Federal Register** before matching begins;

(4) Ensure full investigation and due process; and

(5) Act on the information, as necessary.

(a) The Privacy Act applies to matching programs that use records from: Federal personnel or payroll systems and Federal benefit programs where matching:

(1) Determines Federal benefit eligibility;

(2) Checks on compliance with benefit program requirements;

(3) Recovers improper payments or delinquent debts from current or former beneficiaries.

(b) Matches used for statistics, pilot programs, law enforcement, tax administration, routine administration, background checks and foreign counterintelligence, and internal matching that won't cause any adverse action are exempt from Privacy Act matching requirements.

(c) Any activity that expects to participate in a matching program must contact Air Force Chief Information Officer/P immediately. System managers must prepare a notice for publication in the **Federal Register** with a Routine Use that allows disclosing the information for use in a matching program. Send the proposed system notice to Air Force Chief Information Officer/P. Allow 180 days for processing requests for a new matching program.

(d) Record subjects must receive prior notice of a match. The best way to do this is to include notice in the Privacy Act Statement on forms used in applying for benefits. Coordinate computer matching statements on forms with Air Force Chief Information Officer/P through the Major Command Privacy Act Officer.

§ 806b.51. Privacy and the Web.

Do not post personal information on publicly accessible DoD web sites unless clearly authorized by law and implementing regulation and policy. Additionally, do not post personal information on .mil private web sites unless authorized by the local commander, for official purposes, and an appropriate risk assessment is performed. *See* Air Force Instruction 33–129 *Transmission of Information Via the Internet.*[11]

(a) Ensure public Web sites comply with privacy policies regarding restrictions on persistent and third party cookies, and add appropriate privacy and security notices at major web site entry points and Privacy Act statements or Privacy Advisories when collecting personal information. Notices must clearly explain where the collection or sharing of certain information is voluntary, and notify users how to provide consent.

(b) Include a Privacy Act Statement on the web page if it collects information directly from an individual that we maintain and retrieve by his or her name or personal identifier (*i.e.*, Social Security Number). We may only maintain such information in approved Privacy Act systems of records that are published in the **Federal Register**. Inform the visitor when the information is maintained and retrieved by name or personal identifier in a system of records; that the Privacy Act gives them certain rights with respect to the government's maintenance and use of information collected about them, and provide a link to the Air Force Privacy Act policy and system notices at *http://www.foia.af.mil*.

(c) Anytime a web site solicits personally-identifying information, even when not maintained in a Privacy Act system of records, it requires a Privacy Advisory. The Privacy Advisory informs the individual why the information is solicited and how it will be used. Post the Privacy Advisory to the web page where the information is being solicited, or through a well-marked hyperlink ''Privacy Advisory—Please refer to the Privacy and Security Notice that describes why this information is collected and how it will be used.''

Subpart M—Training

§ 806b.52. Who needs training.

The Privacy Act requires training for all persons involved in the design, development, operation and maintenance of any system of records. More specialized training is needed for personnel who may be expected to deal with the news media or the public, personnel specialists, finance officers, information managers, supervisors, and individuals working with medical and security records. Commanders will ensure that above personnel are trained annually in the principles and requirements of the Privacy Act.

§ 806b.53. Training tools.

Helpful resources include:

(a) The Air Force Freedom of Information Act Web page which includes a Privacy Overview, Privacy Act training slides, the Air Force systems of records notices, and links to the Defense Privacy Board Advisory Opinions, the DoD and Department of Justice Privacy web pages. Go to *http://www.foia.af.mil.* Click on ''Resources.''

(b) ''The Privacy Act of 1974,'' a 32-minute film developed by the Defense

[10] *http://www.e-publishing.af.mil/formfiles/af/af771/af771.xfd.*

[11] *http://www.e-publishing.af.mil/pubfiles/af/33/afi33-129/afi33-129.pdf.*

Privacy Office. Contact the Joint Visual Information Activity at DSN 795–6543/7283 or commercial (717) 895–6543/7283, and ask for #504432 ''The Privacy Act of 1974.''

(c) A Manager's Overview, What You Need to Know About the Privacy Act. This overview gives you Privacy Act 101 and is available on-line at *http://www.foia.af.mil.*

(d) Training slides for use by the Major Command and base Privacy Act officers, available from the Freedom of Information Act web page at *http://www.foia.af.mil,* under ''Resources.''

Note: Formal school training groups that develop or modify blocks of instruction must send the material to Air Force Chief Information Officer/P for coordination.

§ 806b.54 Information collections, records, and forms or information management tools (IMT).

(a) Information Collections. No information collections are required by this publication.

(b) Records. Retain and dispose of Privacy Act records according to Air Force Manual 37–139, Records Disposition Schedule.[12]

(c) Forms or Information Management Tools (Adopted and Prescribed).

(1) Adopted Forms or Information Management Tools. Air Force Form 624, Base/Unit Locator and PSC Directory, and AF Form 847, Recommendation for Change of Publication.

(2) Prescribed Forms or Information Management Tools. AF Form 3227, Privacy Act Cover Sheet, Air Force Form 771, Accounting of Disclosures, and Air Force Visual Aid 33–276.

Appendix A to Part 806b—Definitions

Access: Allowing individuals to review or receive copies of their records.

Amendment: The process of adding, deleting, or changing information in a system of records to make the data accurate, relevant, timely, or complete.

Computer matching: A computerized comparison of two or more automated systems of records or a system of records with non-Federal records to establish or verify eligibility for payments under Federal benefit programs or to recover delinquent debts for these programs.

Confidential source: A person or organization giving information under an express or implied promise of confidentiality made before September 27, 1975.

Confidentiality: An expressed and recorded promise to withhold the identity of a source or the information provided by a source. The Air Force promises confidentiality only when the information goes into a system with an approved exemption for protecting the identity of confidential sources.

Cookie: Data created by a Web server that is stored on a user's computer either temporarily for that session only or permanently on the hard disk (persistent cookie). It provides a way for the Web site to identify users and keep track of their preferences. It is commonly used to ''maintain the state'' of the session. A third-party cookie either originates on or is sent to a Web site different from the one you are currently viewing.

Defense Data Integrity Board: Composed of representatives from DoD components and the services who oversee, coordinate, and approve all DoD computer matching programs covered by the Act.

Denial Authority: The individuals with authority to deny requests for access or amendment of records under the Privacy Act.

Disclosure: Giving information from a system, by any means, to anyone other than the record subject.

Federal benefit program: A Federally funded or administered program for individuals that provides cash or in-kind assistance (payments, grants, loans, or loan guarantees).

Individual: A living U.S. citizen or a permanent resident alien.

Minor: Anyone under the age of majority according to local state law. If there is no applicable state law, a minor is anyone under age 18. Military members and married persons are not minors, no matter what their chronological age.

Personal identifier: A name, number, or symbol that is unique to an individual, usually the person's name or Social Security Number.

Personal information: Information about an individual other than items of public record.

Privacy Act request: An oral or written request by an individual about his or her records in a system of records.

Privacy advisory: A statement required when soliciting personally-identifying information by an Air Force web site and the information is not maintained in a system of records. The Privacy Advisory informs the individual why the information is being solicited and how it will be used.

Privacy Impact Assessment: A written assessment of an information system that addresses the information to be collected, the purpose and intended use; with whom the information will be shared; notice or opportunities for consent to individuals; how the information will be secured; and whether a new system of records is being created under the Privacy Act.

Record: Any information about an individual.

Routine use: A disclosure of records to individuals or agencies outside DoD for a use that is compatible with the purpose for which the Air Force created the records.

System manager: The official who is responsible for managing a system of records, including policies and procedures to operate and safeguard it. Local system managers operate record systems or are responsible for part of a decentralized system.

System of records: A group of records retrieved by the individual's name, personal identifier; or individual identifier through a cross-reference system.

System notice: The official public notice published in the **Federal Register** of the existence and content of the system of records.

Appendix B to Part 806b—Preparing a System Notice

The following elements comprise a system of records notice for publication in the **Federal Register:**

System identifier: Air Force Chief Information Officer/P assigns the notice number, for example, F033 AF PC A, where ''F'' indicates ''Air Force,'' the next number represents the publication series number related to the subject matter, and the final letter group shows the system manager's command or Deputy Chief of Staff. The last character ''A'' indicates that this is the first notice for this series and system manager.

System name: Use a short, specific, plain-language title that identifies the system's general purpose (limited to 55 characters).

System location: Specify the address of the primary system and any decentralized elements, including automated data systems with a central computer facility and input or output terminals at separate locations. Use street address, 2-letter state abbreviations and 9-digit ZIP Codes. Spell out office names. Do not use office symbols.

Categories of individuals covered by the system: Use nontechnical, specific categories of individuals about whom the Air Force keeps records. Do not use categories like ''all Air Force personnel'' unless they are actually true.

Categories of records in the system: Describe in clear, plain language, all categories of records in the system. List only documents actually kept in the system. Do not show source documents that are used to collect data and then destroyed. Do not list form numbers.

Authority for maintenance of the system: Cite the specific law or Executive Order that authorizes the program the records support. Cite the DoD directive/instruction or Air Force instruction(s) that authorizes the system of records. Always include titles with the citations.

Note: Executive Order 9397 authorizes using the Social Security Number as a personal identifier. Include this authority whenever the Social Security Number is used to retrieve records.

Purpose: Describe briefly and specifically what the Air Force does with the information collected.

Routine uses of records maintained in the system including categories of users and the purpose of such uses: List each specific agency or activity outside DoD to whom the records may be released and the purpose for such release.

The DoD 'Blanket Routine Uses' published in the Air Force Directory of System Notices apply to all system notices unless you indicate otherwise.

Polices and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: State the medium in which the Air Force keeps the records; for example, in file folders, card files, microfiche, computer, or a

[12] *http://www.e-publishing.af.mil/pubfiles/af/37/afman37-139/afman37-139.pdf.*

combination of those methods. Storage does not refer to the storage container.

Retrievability: State how the Air Force retrieves the records; for example, by name, Social Security Number, or personal characteristics (such as fingerprints or voiceprints).

Safeguards: List the kinds of officials who have immediate access to the system. List those responsible for safeguarding the records. Identify the system safeguards; for example, storage in safes, vaults, locked cabinets or rooms, use of guards, visitor controls, personnel screening, computer systems software, and so on. Describe safeguards fully without compromising system security.

Retention and disposal: State how long Air Force Manual 37–139 requires the activity to maintain the record. Indicate when or if the records may be transferred to a Federal Records Center and how long the record stays there. Specify when the Records Center sends the record to the National Archives or destroys it. Indicate how the records may be destroyed.

System manager(s) and address: List the position title and duty address of the system manager. For decentralized systems, show the locations and the position or duty title of each category of officials responsible for any segment of the system.

Notification procedure: List the title and duty address of the official authorized to tell requesters if their records are in the system. Specify the information a requester must submit; for example, full name, military status, Social Security Number, date of birth, or proof of identity, and so on.

Record access procedures: Explain how individuals may arrange to access their records. Include the titles or categories of officials who may assist; for example, the system manager.

Contesting records procedures: Air Force Chief Information Officer/P provides this standard caption.

Record source categories: Show categories of individuals or other information sources for the system.

Exemptions claimed for the system: When a system has no approved exemption, write ''none'' under this heading. Specifically list any approved exemption including the subsection in the Act.

Appendix C to Part 806b—DoD 'Blanket Routine Uses'

Certain DoD ''blanket routine uses'' have been established that are applicable to every record system maintained by the Department of the Air Force, unless specifically stated otherwise within the particular record system notice. These additional routine uses of the records are published only once in the Air Force's Preamble to its compilation of records systems in the interest of simplicity, economy and to avoid redundancy.

a. Law Enforcement Routine Use

If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

b. Disclosure when Requesting Information Routine Use

A record from a system of records maintained by a Component may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

c. Disclosure of Requested Information Routine Use

A record from a system of records maintained by a Component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. Congressional Inquiries Routine Use

Disclosure from a system of records maintained by a Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

e. Private Relief Legislation Routine Use

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in Office of Management and Budget Circular A–19 (reference (u)) at any stage of the legislative coordination and clearance process as set forth in that Circular.

f. Disclosures Required by International Agreements Routine Use

A record from a system of records maintained by a Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

g. Disclosure to State and Local Taxing Authorities Routine Use

Any information normally contained in Internal Revenue Service (IRS) Form W–2 which is maintained in a record from a system of records maintained by a Component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements under 5 U.S.C., sections 5516, 5517, and 5520 (reference (v)) and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin No. 76–07.

h. Disclosure to the Office of Personnel Management Routine Use

A record from a system of records subject to the Privacy Act and maintained by a Component may be disclosed to the Office of Personnel Management (OPM) concerning information on pay and leave, benefits, retirement deduction, and any other information necessary for the OPM to carry out its legally authorized government-wide personnel management functions and studies.

i. Disclosure to the Department of Justice for Litigation Routine Use

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

j. Disclosure to Military Banking Facilities Overseas Routine Use

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

k. Disclosure of Information to the General Services Administration (GSA) Routine Use

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration (GSA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

l. Disclosure of Information to the National Archives and Records Administration (NARA) Routine Use

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration (NARA) for the purpose of records

management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

m. Disclosure to the Merit Systems Protection Board Routine Use

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

n. Counterintelligence Purpose Routine Use

A record from a system of records maintained by this component may be disclosed as a routine use outside the DoD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws, which protect the national security of the United States.

Appendix D to Part 806b—General and Specific Exemptions

(a) All systems of records maintained by the Department of the Air Force shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12958 and that is required by Executive Order to be kept classified in the interest of national defense or foreign policy. This exemption is applicable to parts of all systems of records including those not otherwise specifically designated for exemptions herein, which contain isolated items of properly classified information.

(b) An individual is not entitled to have access to any information compiled in reasonable anticipation of a civil action or proceeding (5 U.S.C. 552a(d)(5)).

(c) No system of records within Department of the Air Force shall be considered exempt under subsection (j) or (k) of the Privacy Act until the exemption rule for the system of records has been published as a final rule in the **Federal Register**.

(d) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Air Force will grant access to non-exempt material in the records being maintained. Disclosure will be governed by the Department of the Air Force's Privacy Instruction, but will be limited to the extent that identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems will be made on a case-by-case basis.

(e) General Exemptions. The following systems of records claim an exemption under 5 U.S.C. 552a(j)(2), with the exception of F090 AF IG B, Inspector General Records and F051 AF JA F, Courts-Martial and Article 15 Records. They claim both the (j)(2) and (k)(2) exemption, and are listed under this part:

(1) System identifier and name: F071 AF OSI A, Counter Intelligence Operations and Collection Records.

(2) System identifier and name: F071 AF OSI C, Criminal Records.

(3) System identifier and name: F071 AF OSI D, Investigative Support Records.

(4) System identifier and name: F031 AF SP E, Security Forces Management Information System (SFMIS).

(i) Exemption: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), and (I), (e)(5), (e)(8), (f), and (g).

(ii) Authority: 5 U.S.C. 552a(j)(2).

(iii) Reasons: (A) To protect ongoing investigations and to protect from access criminal investigation information contained in this record system, so as not to jeopardize any subsequent judicial or administrative process taken as a result of information contained in the file.

(B) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(C) From subsection (c)(4) because an exemption is being claimed for subsection this subsection will not be applicable.

(D) From subsection (d) because access the records contained in this system would inform the subject of an investigation of existence of that investigation, provide subject of the investigation with information that might enable him to avoid detection, and would present a serious impediment to law enforcement.

(E) From subsection (e)(4)(H) because system of records is exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(F) From subsection (f) because this system of records has been exempted from access provisions of subsection (d).

(5) System identifier and name: F031 AF SF A, Correction and Rehabilitation Records.

(i) Exemption: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws. Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(3), (e)(4)(G), (H) and (I), (e)(5), (e)(8), (f), and (g).

(ii) Authority: 5 U.S.C. 552a(j)(2).

(iii) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(E) From subsections (e)(4)(G) and (H) because this system of records is exempt from individual access pursuant to subsections (j)(2) of the Privacy Act of 1974.

(F) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(G) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(H) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(I) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(J) From subsection (g) because this system of records compiled for law enforcement

purposes and has been exempted from the access provisions of subsections (d) and (f).

(6) System identifier and name: F090 AF IG B, Inspector General Records.

(i) Exemption: (A) Parts of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g).

(B) Investigative material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source. Note: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(j)(2) and (k)(2).

(iii) Reasons: (A) From subsection (c)(3) because the release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies. This would greatly impede the Air Force IG's criminal law enforcement.

(B) From subsection (c)(4) and (d), because notification would alert a subject to the fact that an open investigation on that individual is taking place, and might weaken the ongoing investigation, reveal investigative techniques, and place confidential informants in jeopardy.

(C) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity that may relate to the jurisdiction of other cooperating agencies.

(D) From subsection (e)(2) because collecting information to the fullest extent possible directly from the subject individual may or may not be practical in a criminal and/or civil investigation.

(E) From subsection (e)(3) because supplying an individual with a form containing a Privacy Act Statement would tend to inhibit cooperation by many individuals involved in a criminal and/or civil investigation. The effect would be somewhat adverse to established investigative methods and techniques.

(F) From subsections (e)(4)(G), (H), and (I) because this system of records is exempt from the access provisions of subsection (d) and (f).

(G) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(H) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and existence of confidential investigations.

(I) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an ongoing investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

(J) From subsection (g) because this system of records should be exempt to the extent that the civil remedies relate to provisions of 5 U.S.C. 552a from which this rule exempts the system.

(7) System identifier and name: F051 AF JA F, Courts-Martial and Article 15 Records.

(i) Exemptions: (A) Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from the following subsection of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (e)(5), (e)(8), (f), and (g).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source. NOTE: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(j)(2) and (k)(2).

(iii) Reason: (A) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), his subsection will not be applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (H) because this system of records is exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement

purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(L) From subsection (g) because this system of records is compiled for law enforcement purposes and has been exempted from the access provisions of subsections (d) and (f).

(f) Specific Exemptions. The following systems of records are subject to the specific exemptions shown:

(1) System identifier and name: F036 USAFA K, Admissions Records.

(i) Exemption: Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identify of a confidential source. Therefore, portions of this system of records (Liaison Officer Evaluation and Selection Panel Candidate Evaluation) may be exempt pursuant to 5 U.S.C. 552a(k)(7) from the following subsections of 5 U.S.C. 552a(d), (e)(4)(H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(7).

(iii) Reasons: To ensure the frankness of information used to determine whether cadets are qualified for graduation and commissioning as officers in the Air Force.

(2) System identifier and name: F036 AFPC N, Air Force Personnel Test 851, Test Answer Sheets.

(i) Exemption: Testing or examination material used solely to determine individual qualifications for appointment or promotion in the federal or military service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(6) from the following subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) Authority: 5 U.S.C. 552a(k)(6).

(iii) Reasons: To protect the objectivity of the promotion testing system by keeping the test questions and answers in confidence.

(3) System identifier and name: F036 USAFA A, Cadet Personnel Management System.

(i) Exemption: Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identify of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(7) from the following subsections of 5 U.S.C. 552a(d), (e)(4)(H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(7).

(iii) Reasons: To maintain the candor and integrity of comments needed to evaluate an Air Force Academy cadet for commissioning in the Air Force.

(4) System identifier and name: F036 AETC I, Cadet Records.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) (Detachment Professional Officer Course Selection Rating Sheets; Air Force Reserve Officer Training Corps Form 0–24—Disenrollment Review; Memoranda for Record and Staff Papers with Staff Advice, Opinions, or Suggestions) may be exempt from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G) and (H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: To protect the identity of a confidential source who furnishes information necessary to make determinations about the qualifications, eligibility, and suitability of cadets for graduation and commissioning in the Air Force.

(5) System identifier and name: F044 AF SG Q, Family Advocacy Program Records.

(i) Exemption: (A) Investigative material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source. **Note:** When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(B) Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(C) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(5) from the following subsections of 5 U.S.C. 552a(c)(3) and (d).

(ii) Authority: 5 U.S.C. 552a(k)(2) and (k)(5).

(iii) Reasons: From subsections (c)(3) and (d) because the exemption is needed to encourage those who know of exceptional medical or educational conditions or family maltreatments to come forward by protecting their identities and to protect such sources from embarrassment or recriminations, as well as to protect their right to privacy. It is essential that the identities of all individuals who furnish information under an express promise of confidentiality be protected. Granting individuals access to information relating to criminal and civil law enforcement, as well as the release of certain disclosure accounting, could interfere with ongoing investigations and the orderly administration of justice, in that it could result in the concealment, alteration, destruction, or fabrication of information; could hamper the identification of offenders or alleged offenders and the disposition of charges; and could jeopardize the safety and well being of parents and their children. Exempted portions of this system also contain information considered relevant and necessary to make a determination as to qualifications, eligibility, or suitability for Federal employment and Federal contracts, and that was obtained by providing an express or implied promise to the source that his or her identity would not be revealed to the subject of the record.

(6) System identifier and name: F036 AF PC A, Effectiveness/Performance Reporting System.

(i) Exemption: Evaluation material used to determine potential for promotion in the Military Services (Brigadier General Selectee Effectiveness Reports and Colonel and Lieutenant Colonel Promotion Recommendations with close out dates on or before January 31, 1991) may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(7) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(7).

(iii) Reasons: (A) From subsection (c)(3) because making the disclosure accounting available to the individual may compromise express promises of confidentiality by revealing details about the report and identify other record sources, which may result in circumvention of the access exemption.

(B) From subsection (d) because individual disclosure compromises express promises of confidentiality conferred to protect the integrity of the promotion rating system.

(C) From subsection (e)(4)(H) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

(D) From subsection (f) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

(7) System identifier and name: F036 AFDP A, Files on General Officers and Colonels Assigned to General Officer Positions.

(i) Exemption: Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to

5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(7) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I); and (f).

(ii) Authority: 5 U.S.C. 552a(k)(7).

(iii) Reasons: To protect the integrity of information used in the Reserve Initial Brigadier General Screening Board, the release of which would compromise the selection process.

(8) System identification and name: F036 AF PC O, General Officer Personnel Data System.

(i) Exemption: Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source. Therefore, portions of this system of records (Air Force General Officer Promotion and Effectiveness Reports with close out dates on or before January 31, 1991) may be exempt pursuant to 5 U.S.C. 552a(k)(7) may be exempt from following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(7).

(iii) Reason: (A) From subsection (c)(3) because making the disclosure accounting available to the individual may compromise express promises of confidentiality by revealing details about the report and identify other record sources, which may result in circumvention of the access exemption.

(B) From subsection (d) because individual disclosure compromises express promises of confidentiality conferred to protect the integrity of the promotion rating system.

(C) From subsection (e)(4)(H) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

(D) From subsection (f) because of and to the extent that portions of this record system are exempt from the individual access provisions of subsection (d).

(9) System identifier and name: F036 AFPC K, Historical Airman Promotion Master Test File.

(i) Exemption: Testing or examination material used solely to determine individual qualifications for appointment or promotion in the federal or military service, if the disclosure would compromise the objectivity or fairness of the test or examination process may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(6) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(6).

(iii) Reasons: To protect the integrity, objectivity, and equity of the promotion testing system by keeping test questions and answers in confidence. Reserved.

(10) System identifier and name: F071 AF OSI F, Investigative Applicant Processing Records.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: To protect those who gave information in confidence during Air Force Office of Special Investigations applicant inquiries. Fear of harassment could cause sources not to make frank and open responses about applicant qualifications. This could compromise the integrity of the Air Force Office of Special Investigations personnel program that relies on selecting only qualified people.

(11) System identifier and name: F036 USAFA B, Master Cadet Personnel Record (Active/Historical).

(i) Exemptions: Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identify of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(7) from the following subsections of 5 U.S.C. 552a(d), (e)(4)(H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(7).

(iii) Reasons: To maintain the candor and integrity of comments needed to evaluate a cadet for commissioning in the Air Force.

(12) System identifier and name: F031 497IG A, Sensitive Compartmented Information Personnel Records.

(i) Exemption: (A) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identify of a confidential source. **Note:** When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(B) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(C) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(2) and (k)(5).

(iii) Reasons: To protect the identity of sources to which proper promises of confidentiality have been made during investigations. Without these promises, sources will often be unwilling to provide information essential in adjudicating access in a fair and impartial manner.

(13) System identifier and name: F071 AF OSI B, Security and Related Investigative Records.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of harassment could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to resolve charges of questionable conduct.

(14) System identifier and name: F031 497IG B, Special Security Case Files.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of harassment could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to resolve charges of questionable conduct.

(15) System identifier and name: F031 AF SP N, Special Security Files.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of harassment could cause them to refuse to give this information in the frank and open way needed to pinpoint areas in an investigation that should be expanded to resolve charges of questionable conduct.

(16) System identifier and name: F036 AF PC P, Applications for Appointment and Extended Active Duty Files.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsection of 5 U.S.C. 552a(d).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: To protect the identity of confidential sources who furnish information necessary to make determinations about the qualifications, eligibility, and suitability of health care professionals who apply for Reserve of the Air Force appointment or interservice transfer to the Air Force.

(17) System identifier and name: F036 AF DPG, Military Equal Opportunity and Treatment.

(i) Exemption: Investigative material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. **Note:** When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 522a(k)(2) from the following subsections of 5 U.S.C. 552a(d), (e)(4)(H), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(2).

(iii) Reasons: (A) From subsection (d) because access to the records contained in this system would inform the subject of an investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection, and would present a serious impediment to law enforcement. In addition, granting individuals access to information collected while an Equal Opportunity and Treatment clarification/investigation is in progress conflicts with the just, thorough, and timely completion of the complaint, and could possibly enable individuals to interfere, obstruct, or mislead those clarifying/investigating the complaint.

(B) From subsection (e)(4)(H) because this system of records is exempt from individual access pursuant to subsection (k) of the Privacy Act of 1974.

(C) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(18) System identifier and name: F051 AF JA I, Commander Directed Inquiries.

(i) Exemption: Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. **Note:** When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions. Any portion of this system of records which falls within the provisions of 5 U.S.C. 552a(k)(2) may be exempt from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(k)(2).

(iii) Reasons: (A) From subsection (c)(3) because to grant access to the accounting for each disclosure as required by the Privacy Act, including the date, nature, and purpose of each disclosure and the identity of the recipient, could alert the subject to the existence of the investigation. This could seriously compromise case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate; and lead to suppression, alteration, or destruction of evidence.

(B) From subsections (d) and (f) because providing access to investigative records and the right to contest the contents of those records and force changes to be made to the information contained therein would seriously interfere with and thwart the orderly and unbiased conduct of the investigation and impede case preparation. Providing access rights normally afforded under the Privacy Act would provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate; lead to suppression, alteration, or destruction of evidence; enable individuals to conceal their wrongdoing or mislead the course of the investigation; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach in order to satisfy any Government claim growing out of the investigation or proceeding.

(C) From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear.

(D) From subsections (e)(4)(G) and (H) because this system of records is compiled for investigative purposes and is exempt from the access provisions of subsections (d) and (f).

(E) From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants.

(19) System identifier and name: F031 DoD A, Joint Personnel Adjudication System.

(i) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), and (e)(1).

(ii) Authority: 5 U.S.C. 552a(k)(5).

(iii) Reasons: (A) From subsection (c)(3) and (d) when access to accounting disclosures and access to or amendment of records would cause the identity of a confidential source to be revealed. Disclosure of the source's identity not only will result in the Department breaching the promise of confidentiality made to the source but it will impair the Department's future ability to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. Unless sources can be assured that a promise of confidentiality will be honored, they will be less likely to provide information considered essential to the Department in making the required determinations.

(B) From subsection (e)(1) because in the collection of information for investigatory purposes, it is not always possible to determine the relevance and necessity of particular information in the early stages of the investigation. In some cases, it is only after the information is evaluated in light of other information that its relevance and necessity becomes clear. Such information permits more informed decision-making by the Department when making required suitability, eligibility, and qualification determinations.

(20) System identifier and name: F033 AF A, Information Requests-Freedom of Information Act.

(i) Exemption: During the processing of a Freedom of Information Act request, exempt materials from 'other' systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those other systems of records are entered into this system, the Department of the Air Force hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary system of which they are a part.

(ii) Authority: 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7).

(iii) Reasons: Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record, and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided the President and others are not compromised, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, and to preserve the confidentiality and integrity of Federal evaluation materials. The exemption rule for the original records will identify the specific reasons why the records are exempt from specific provisions of 5 U.S.C. 552a.

(21) System identifier and name: F033 AF B, Privacy Act Request Files.

(i) Exemption: During the processing of a Privacy Act request, exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this system, the Department of the Air Force hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary system of which they are a part.

(ii) Authority: 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7).

(iii) Reason: Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record, and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided the President and others are not compromised, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, and to preserve the confidentiality and integrity of Federal evaluation materials. The exemption rule for the original records will identify the specific reasons why the records are exempt from specific provisions of 5 U.S.C. 552a.

Appendix E to Part 806b—Privacy Impact Assessment

Section A—Introduction and Overview

The Privacy Act Assessment. The Air Force recognizes the importance of protecting the privacy of individuals, to ensure sufficient protections for the privacy of personal information as we implement citizen-centered e-Government. Privacy issues must be addressed when systems are being developed, and privacy protections must be integrated into the development life cycle of these automated systems. The vehicle for addressing privacy issues in a system under development is the Privacy Impact Assessment. The Privacy Impact Assessment process also provides a means to assure compliance with applicable laws and regulations governing individual privacy.

(a) Purpose. The purpose of this document is to:

(1) Establish the requirements for addressing privacy during the systems development process.

(2) Describe the steps required to complete a Privacy Impact Assessment.

(3) Define the privacy issues you will address in the Privacy Impact Assessment.

(b) Background. The Air Force is responsible for ensuring the privacy, confidentiality, integrity, and availability of personal information. The Air Force recognizes that privacy protection is both a personal and fundamental right. Among the most basic of individuals' rights is an expectation that the Air Force will protect the confidentiality of personal, financial, and employment information. Individuals also have the right to expect that the Air Force will collect, maintain, use, and disseminate identifiable personal information and data only as authorized by law and as necessary to carry out agency responsibilities. Personal information is protected by the following:

(1) Title 5, U.S.C. 552a, The Privacy Act of 1974, as amended, which affords individuals the right to privacy in records maintained and used by Federal agencies. **Note:** 5 U.S.C. 552a includes Public Law 100–503, The Computer Matching and Privacy Act of 1988.[13]

(2) Public Law 100–235, The Computer Security Act of 1987,[14] which establishes minimum security practices for Federal computer systems.

(3) OMB Circular A–130, Management of Federal Information Resources,[15] which provides instructions to Federal agencies on how to comply with the fair information practices and security requirements for operating automated information systems.

(4) Public Law 107–347, Section 208, E-Gov Act of 2002, which aims to ensure privacy in the conduct of federal information activities.

(5) Title 5, U.S.C. 552, The Freedom of Information Act, as amended, which provides for the disclosure of information maintained by Federal agencies to the public while allowing limited protections for privacy.

(6) DoD Directive 5400.11, Department of Defense Privacy Program,[16] December 13, 1999.

(7) DoD 5400.11–R, Department of Defense Privacy Program,[17] August 1983.

(8) Air Force Instruction 33–332, Air Force Privacy Act Program.

(c) The Air Force Privacy Office is in the Office of the Air Force Chief Information Officer, Directorate of Plans and Policy, and is responsible for overseeing Air Force implementation of the Privacy Act.

Section B—Privacy and Systems Development

System Privacy. Rapid advancements in computer technology make it possible to store and retrieve vast amounts of data of all kinds quickly and efficiently. These advancements have raised concerns about the impact of large computerized information systems on the privacy of data subjects. Public concerns about highly integrated information systems operated by the government make it imperative to commit to a positive and aggressive approach to protecting individual privacy. Air Force Chief Information Officer is requiring the use of this Privacy Impact Assessment in order to ensure that the systems the Air Force develops protect individuals' privacy. The Privacy Impact Assessment incorporates privacy into the development life cycle so that all system development initiatives can appropriately consider privacy issues from the earliest stages of design.

(a) What is a Privacy Impact Assessment? The Privacy Impact Assessment is a process used to evaluate privacy in information systems. The process is designed to guide system owners and developers in assessing privacy through the early stages of development. The process consists of privacy training, gathering data from a project on privacy issues, and identifying and resolving the privacy risks. The Privacy Impact Assessment process is described in detail in Section C, Completing a Privacy Impact Assessment.

(b) When is a Privacy Impact Assessment Done? The Privacy Impact Assessment is initiated in the early stages of the development of a system and completed as part of the required system life cycle reviews. Privacy must be considered when requirements are being analyzed and decisions are being made about data usage and system design. This applies to all of the development methodologies and system life cycles used in the Air Force.

(c) Who completes the Privacy Impact Assessment? Both the system owner and system developers must work together to complete the Privacy Impact Assessment. System owners must address what data is to be used, how the data is to be used, and who will use the data. The system developers must address whether the implementation of the owner's requirements presents any threats to privacy.

(d) What systems have to complete a Privacy Impact Assessment? Accomplish Privacy Impact Assessments when:

(1) Developing or procuring information technology that collects, maintains, or disseminates information in identifiable form from or about members of the public.

(2) Initiating a new collection of information, using information technology, that collects, maintains, or disseminates information in identifiable form for 10 or

[13] *http://www.defenselink.mil/privacy/1975OMB_PAGuide/jun1989.pdf.*

[14] *http://csrc.nist.gov/secplcy/csa_87.txt.*

[15] *http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html.*

[16] *http://www.dtic.mil/whs/directives/corres/html/540011.htm.*

[17] *http://www.dtic.mil/whs/directives/corres/html/540011r.htm.*

more persons excluding agencies, instrumentalities, or employees of the Federal Government.

(3) Systems as described above that are undergoing major modifications.

(e) The Air Force or Major Command Privacy Act Officer reserves the right to request that a Privacy Impact Assessment be completed on any system that may have privacy risks.

Section C—Completing a Privacy Impact Assessment

The Privacy Impact Assessment. This section describes the steps required to complete a Privacy Impact Assessment. These steps are summarized in Table A4.1, Outline of Steps for Completing a Privacy Impact Assessment.

Training. Training on the Privacy Impact Assessment will be available, on request, from the Major Command Privacy Act Officer. The training consists of describing the Privacy Impact Assessment process and provides detail about the privacy issues and privacy questions to be answered to complete the Privacy Impact Assessment. Major Command Privacy Act Officers may use Appendix E, Sections A, B, D, and E for this purpose. The intended audience is the personnel responsible for writing the Privacy Impact Assessment document.

The Privacy Impact Assessment Document. Preparing the Privacy Impact Assessment document requires the system owner and developer to answer the privacy questions in Section E. A brief explanation should be written for each question. Issues that do not apply to a system should be noted as ''Not Applicable.'' During the development of the Privacy Impact Assessment document, the Major Command Privacy Act Officer will be available to answer questions related to the Privacy Impact Assessment process and other concerns that may arise with respect to privacy.

Review of the Privacy Impact Assessment Document. Submit the completed Privacy Impact Assessment document to the Major Command Privacy Act Office for review. The purpose of the review is to identify privacy risks in the system.

Approval of the Privacy Impact Assessment. The system life cycle review process (Command, Control, Communications, Computers, and Intelligence Support Plan) will be used to validate the incorporation of the design requirements to resolve the privacy risks. Major Command and Headquarters Air Force Functional CIOs will issue final approval of the Privacy Impact Assessment.

TABLE A4.1.—OUTLINE OF STEPS FOR COMPLETING A PRIVACY IMPACT ASSESSMENT

Step	Who	Procedure
1	System Owner, and Developer	Request and complete Privacy Impact Assessment Training.
2	System Owner, and Developer	Answer the questions in Section E, Privacy Questions. For assistance contact your Major Command Privacy Act Officer.
3	System Owner, and Developer	Submit the Privacy Impact Assessment document to the Major Command Privacy Act Officer.
4	Major Command Privacy Act Officer	Review the Privacy Impact Assessment document to identify privacy risks from the information provided. The Major Command Privacy Act Officer will get clarification from the owner and developer as needed.
5	System Owner and Developer, Major Command Privacy Act Officer.	The System Owner, Developer and the Major Command Privacy Act Officer should reach agreement on design requirements to resolve all identified risks.
6	System Owner, Developer, and Major Command Privacy Act Officer.	Participate in the required system life cycle reviews to ensure satisfactory resolution of identified privacy risks to obtain formal approval from the Major Command or Headquarters Air Force Functional CIO.
7	Major Command or Headquarters Air Force Functional CIO	Issue final approval of Privacy Impact Assessment, and send a copy to Air Force Chief Information Officer/P.
8	Air Force Chief Information Officer/P	When feasible, publish Privacy Impact Assessment on Freedom of Information Act Web page (*http://www.foia.af.mil*).

Section D—Privacy Issues in Information Systems

Privacy Act of 1974, 5 U.S.C. 552a as Amended

Title 5, U.S.C., 552a, The Privacy Act of 1974, as amended, requires Federal Agencies to protect personally identifiable information. It states specifically:

Each agency that maintains a system of records shall:

Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

Maintain all records used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

Definitions

Accuracy—within sufficient tolerance for error to assure the quality of the record in terms of its use in making a determination.

Completeness—all elements necessary for making a determination are present before such determination is made.

Determination—any decision affecting an individual which, in whole or in part, is based on information contained in the record and which is made by any person or agency.

Necessary—a threshold of need for an element of information greater than mere relevance and utility.

Record—any item, collection or grouping of information about an individual and identifiable to that individual that is maintained by an agency.

Relevance—limitation to only those elements of information that clearly bear on the determination(s) for which the records are intended.

Routine Use—with respect to the disclosure of a record, the use of such record outside DoD for a purpose that is compatible with the purpose for which it was collected.

System of Records—a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Timeliness—sufficiently current to ensure that any determination based on the record will be accurate and fair.

Information and Privacy

To fulfill the commitment of the Air Force to protect personal information, several issues must be addressed with respect to privacy.

The use of information must be controlled.

Information may be used only for a necessary and lawful purpose.

Individuals must be informed in writing of the principal purpose and routine uses of the information being collected from them.

Information collected for a particular purpose should not be used for another purpose without the data subject's consent unless such other uses are specifically authorized or mandated by law.

Any information used must be sufficiently accurate, relevant, timely and complete to assure fair treatment of the individual.

Given the availability of vast amounts of stored information and the expanded capabilities of information systems to process the information, it is foreseeable that there will be increased requests to share that information. With the potential expanded uses of data in automated systems it is important to remember that information can only be used for the purpose for which it was collected unless other uses are specifically authorized or mandated by law. If the data is to be used for other purposes, then the public must be provided notice of those other uses. These procedures do not in themselves create any legal rights, but are intended to express the full and sincere commitment of the Air Force to protect individual privacy rights and which provide redress for violations of those rights.

Data in the System

The sources of the information in the system are an important privacy consideration if the data is gathered from other than Air Force records. Information collected from non-Air Force sources should be verified, to the extent practicable, for accuracy, that the information is current, and complete. This is especially important if the information will be used to make determinations about individuals.

Access to the Data

Who has access to the data in a system must be defined and documented. Users of the data can be individuals, other systems, and other agencies. Individuals who have access to the data can be system users, system administrators, system owners, managers, and developers. When individuals are granted access to a system, their access should be limited, where possible, to only that data needed to perform their assigned duties. If individuals are granted access to all of the data in a system, procedures need to be in place to deter and detect browsing and unauthorized access. Other systems are any programs or projects that interface with the system and have access to the data. Other agencies can be International, Federal, state, or local entities that have access to Air Force data.

Attributes of the Data

When requirements for the data to be used in the system are being determined, those requirements must include the privacy attributes of the data. The privacy attributes are derived from the legal requirements imposed by The Privacy Act of 1974. First, the data must be relevant and necessary to accomplish the purpose of the system. Second, the data must be complete, accurate, and timely. It is important to ensure the data has these privacy attributes in order to assure fairness to the individual in making decisions based on the data.

Maintenance of Administrative Controls

Automation of systems can lead to the consolidation of processes, data, and the controls in place to protect the data. When administrative controls are consolidated, they should be evaluated so that all necessary controls remain in place to the degree necessary to continue to control access to and use of the data. Document record retention and disposal procedures and coordinate them with the Major Command Records Manager.

Section E—Privacy Questions

Data in the System

1. Generally describe the information to be used in System the system.

2. What are the sources of the information in the system?

a. What Air Force files and databases are used?

b. What Federal Agencies are providing data for use in the system?

c. What State and local agencies are providing data for use in the system?

d. What other third party sources will data be collected from?

e. What information will be collected from the employee?

3. Is data accurate and complete?

a. How will data collected from sources other than Air Force records and the subject be verified for accuracy?

b. How will data be checked for completeness?

c. Is the data current? How do you know?

4. Are the data elements described in detail and documented? If yes, what is the name of the document?

Access to the Data

1. Who will have access to the data in the system Data (Users, Managers, System Administrators, Developers, Other)?

2. How is access to the data by a user determined? Are criteria, procedures, controls, and responsibilities regarding access documented?

3. Will users have access to all data on the system or will the user's access be restricted? Explain.

4. What controls are in place to prevent the misuse (*e.g.*, browsing) of data by those having access?

5. Does the system share data with another system?

a. Do other systems share data or have access to data in this system? If yes, explain.

b. Who will be responsible for protecting the privacy rights of the employees affected by the interface?

6. Will other agencies have access to the data in the system?

a. Will other agencies share data or have access to data in this system (International, Federal, State, Local, Other)?

b. How will the data be used by the agency?

c. Who is responsible for assuring proper use of the data?

d. How will the system ensure that agencies only get the information they are entitled to under applicable laws?

Attributes of the Data

1. Is the use of the data both relevant and necessary Data to the purpose for which the system is being designed?

2. Will the system create new data about an individual?

a. Will the system derive new data or create previously unavailable data about an individual through aggregation from the information collected?

b. Will the new data be placed in the individual's record?

c. Can the system make determinations about the record subject that would not be possible without the new data?

d. How will the new data be verified for relevance and accuracy?

3. Is data being consolidated?

a. If data is being consolidated, what controls are in place to protect the data from unauthorized access or use?

b. If processes are being consolidated, are the proper controls remaining in place to protect the data and prevent unauthorized access? Explain.

4. How will the data be retrieved? Is it retrieved by a personal identifier? If yes, explain.

Maintenance of Administrative Controls

(1) a. Explain how the system and its use will ensure Administrative equitable treatment of record subjects.

b. If the system is operated at more than one location, how will consistent use of the system and data be maintained?

c. Explain any possibility of disparate treatment of individuals or groups.

(2) a. Coordinate proposed maintenance and disposition of the records with the Major Command Records Manager.

b. While the data is retained in the system, what are the requirements for determining if the data is still sufficiently accurate, relevant, timely, and complete to ensure fairness in making determinations?

(3) a. Is the system using technologies in ways that the Air Force has not previously employed?

b. How does the use of this technology affect personal privacy?

(4) a. Will this system provide the capability to identify, locate, and monitor individuals? If yes, explain.

b. Will this system provide the capability to identify, locate, and monitor groups of people? If yes, explain.

c. What controls will be used to prevent unauthorized monitoring?

(5) a. Under which Systems of Record notice does the system operate? Provide number and name.

b. If the system is being modified, will the system of record require amendment or revision? Explain.

Dated: December 24, 2003.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 04–23 Filed 1–6–04; 8:45 am]

BILLING CODE 5001–06–P

Federal Register

Wednesday,
January 7, 2004

Part III

Department of Transportation

14 CFR Part 255

Computer Reservations System (CRS) Regulations; Final Rule

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Dockets Nos. OST–97–2881, OST–97–3014, OST–98–4775, and OST–99–5888]

RIN 2105–AC65

Computer Reservations System (CRS) Regulations

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department is amending its rules governing airline computer reservations systems (''CRSs'' or ''systems'') to eliminate most of the rules now and to terminate additional rules as of July 31, 2004. The Department is readopting the rules prohibiting display bias and adopting rules that prohibit systems from imposing certain types of contract clauses on participating airlines that would unreasonably restrict their ability to choose how to distribute their services. These rules will be effective during a six-month transition period.

DATES: This rule is effective on January 31, 2004.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION:

Electronic Access

You can view and download this document by going to the website of the Department's Docket Management System (*http://dms.dot.gov/*). On that page, click on ''simple search.'' On the next page, type in the last four digits of the docket number shown on the first page of this document, 2881. Then click on ''search.'' An electronic copy of this document also may be downloaded from *http://regulations.gov* and from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov/federal_register/index.html* and the Government Printing Office's database at: *http://www.gpoaccess.gov/fr/index.html.*

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Glossary

ASTA—American Society of Travel Agents.

Board—The Civil Aeronautics Board.

Booking fees—Fees paid by airlines and other travel suppliers when a travel agent makes or changes a booking in a system.

CRS—Computer reservations system.

Mandatory participation rule—The rule requiring each airline that has a significant ownership interest in a system to participate in competing systems at as high a level of functionality as it does in its own system, if the terms are commercially reasonable.

Network airlines—The airlines that operate hub-and-spoke route systems, especially the five largest airlines (American, Continental, Delta, Northwest, and United).

Non-airline system—A system that is neither owned nor controlled by any airline or airline affiliate.

OMB—Office of Management and Budget.

Participate—To make the services of an airline or other travel supplier available for sale through a system under a contract with that system.

Parity clauses—Clauses in participating airline contracts that require a participating airline to buy at least as high a level of service from the system as it does from any other system.

Productivity pricing—Pricing formula used in subscriber contracts that enables the travel agency to obtain lower CRS fees from a system if the travel agency meets minimum booking quotas established by the contract.

Section 411—49 U.S.C. 41712, recodifying section 411 of the Federal Aviation Act.

Subscriber—A travel agency that obtains CRS services under a contract with the system.

System—Computer reservations system.

Webfares—Discount fares offered by an airline through its own website and often through selected distribution channels.

A. Summary of Final Rule

In this proceeding we have reexamined whether our existing rules on computer reservations systems (''CRSs'' or ''systems''), 14 CFR Part 255, remain necessary and, if so, whether we should readopt them, with or without modifications. If we do not readopt the rules, they will expire on their sunset date, currently January 31, 2004. Our notice of proposed rulemaking asked for comment on these issues and proposed that most of the rules should be readopted. 67 FR 69366 (November 15, 2002). After reviewing the comments and the on-going changes in the airline distribution and CRS businesses reflected in those comments, we have concluded that most of the rules should be allowed to sunset on January 31, 2004. We believe, however, that we should adopt the rules prohibiting display bias and certain rules barring unreasonably restrictive requirements in the contracts between systems and their airline customers for a six-month transition period to provide an opportunity for the affected parties to prepare for complete deregulation of computer reservation systems. We intend to monitor developments in the industry during this period and beyond. We, of course, retain our authority to pursue future regulatory or enforcement actions against airlines or systems that engage in anti-competitive practices.

The systems' operations have been subject to rules for twenty years. Although the systems now are commonly called global distribution systems, or GDSs, we will continue to refer to them here as CRSs. The Civil Aeronautics Board (''the Board''), the agency that had been responsible for the economic regulation of the airline industry, originally adopted those rules in 1984. 49 FR 32540 (August 15, 1984), *aff'd, United Air Lines* v. *CAB,* 766 F.2d 1107 (7th Cir. 1985). After reexamining whether those rules were necessary and effective, we readopted them with some changes in 1992. 14 CFR Part 255, adopted at 57 FR 43780 (September 22, 1992).

When these rulemakings were held, one or more airlines or airline affiliates owned or controlled each system, airlines depended heavily on travel agencies for distribution, travel agents used a system to research airline service options and to make bookings, and each travel agency predominantly relied on one system to perform these tasks. Systems therefore did not need to compete for airline participants (a ''participant'' is an airline that agrees to make its services saleable through a system). The airlines that controlled the systems had the incentive and ability to use them to prejudice the competitive position of non-owner airlines and to provide information on airline services through the systems to travel agents that gave an undue preference to the services operated by the owner airlines. Competitive market forces did not discipline the prices and terms for services offered by systems to participating airlines.

Our goal in CRS rulemakings has been to prevent practices that were likely to harm consumers by substantially reducing airline competition or by giving travel agents and their customers inaccurate or misleading information on airline services. The rules block system practices that would cause consumers and their travel agents to receive misleading information and would distort airline competition. We adopted most of the rules under our authority to prevent unfair methods of competition in the sale of airline transportation, an authority that empowers us to prohibit practices that violate the antitrust laws or antitrust principles, but, in adopting the rules prohibiting display bias, we additionally relied on our authority to prevent unfair and deceptive practices in the marketing of air transportation.

We should adopt rules regulating industry practices only if they are reasonably necessary to prevent anti-competitive or deceptive practices that are likely to occur, and would cause significant consumer harm if they did occur, and that market forces are unlikely to remedy. Any rule must be effective and enforceable. Rules intended to address a serious competitive concern may have unintended consequences that may reduce efficiency and consumer choice. As we explained in our notice of proposed rulemaking, we will not adopt rules that address all potential problems, for such detailed regulations would necessarily impose significant burdens on the systems and interfere with legitimate business practices. 67 FR 69389. Our approach for determining whether rules are necessary is essentially the same as that recommended by the Justice Department. The Department of Justice states that regulation is appropriate ''only when (1) market participants have substantial and durable market power that will likely harm consumers directly, or will be exercised in ways that exclude or limit competition in contiguous markets, and (2) the regulation will likely be effective and enforceable without imposing significant costs of its own.'' Justice Department Reply Comments at 18.

Our rules included a sunset date, currently January 31, 2004, to ensure that we would review whether the rules remained necessary in light of on-going developments in the CRS and airline distribution businesses. 57 FR 43829–43830; 68 FR 15350 (March 31, 2003). This proceeding carries out that reassessment. The major changes that have occurred since our last major rulemaking underscore the need for such a reassessment.

All of the U.S. airlines that had controlled a system have divested their CRS ownership interests. As a result, none of the four systems now operating in the United States is owned or controlled by any U.S. airline or airline affiliate. Furthermore, airlines are selling an increasingly large share of their tickets through their Internet websites and a diminishing share through travel agencies using a system. The airlines' control over access to their webfares, the discounted fares originally offered only through individual airline websites, has enabled them to obtain lower fees from two of the systems. And travel agencies are increasingly demanding—and winning—contracts from the systems that give them more freedom to use alternative booking channels and to switch systems periodically.

Our examination of these developments has persuaded us that we should allow most of the existing rules to sunset upon their expiration. The major predicate for the rules has always been the systems' control by airlines. The U.S. airlines' divestiture of their ownership interests has eliminated that basis for the rules. While each system still has market power over most airlines, that power is diminishing. Moreover, the record does not show a likelihood that the systems would use that power to distort airline competition except potentially through the sale of bias.

On the other hand, we have determined that we should readopt, for a six-month transition period, the rules prohibiting display bias and rules prohibiting certain types of contract clauses in the systems' contracts with airlines. We are readopting the rules against display bias because we believe that, were the rules terminated immediately, systems might well be expected to bias their displays in ways that could mislead travel agents and their customers and prejudice airline competition. For that reason, we believe it is important to provide a measure of notice to the industry prior to the rules' termination and a concomitant opportunity to prepare for the absence of regulation.

Similarly, we are adopting for the same short transition period two rules governing the contracts between the systems and airlines: rules prohibiting parity clauses (a parity clause would require an airline to participate in that system at at least as high a level as it participates in any other system) and clauses requiring airlines to provide access to all webfares as a condition to any participation in a system. However, an airline is free to agree to such clauses. We believe that, were these prohibitions terminated immediately, the systems would have sufficient market power to impose contract terms on airlines that would unreasonably restrict the airlines' ability to bargain for better terms for participation. The transition period during which these prohibitions will be maintained will furnish the industry with reasonable notice of the forthcoming change with an opportunity to prepare for it. Our final decision is consistent with the recommendations made by the Justice Department.

The two rules on contract clauses and the rule prohibiting display bias therefore will sunset on July 31, 2004. We will actively monitor developments during the transition period and beyond and take appropriate investigative, enforcement, or regulatory action if we see evidence that systems or airlines are engaging in anti-competitive conduct in connection with airline distribution through the systems and other channels.

We will not readopt the other rules now in force, and we reaffirm our tentative decision not to adopt rules governing the use of the Internet in airline distribution. The rules that we are not readopting will automatically expire on January 31, 2004, their sunset date.

The elimination of most of the rules will ensure that government regulation does not interfere with market forces and innovation in the CRS and airline distribution businesses. The record indicates that market forces are beginning to discipline business practices in the CRS industry. Ending the broad regulation of CRS practices will enable each system and each airline to bargain over the terms on which CRS services should be provided, just as airlines obtain products and services from other suppliers under agreements negotiated by the parties. The systems will have the same ability to bargain with their other customers, the travel agencies. The resulting terms under which airlines and travel agencies obtain system services will likely reflect the interests of both sides better than if we maintained broad regulations restricting the parties' behavior. While we cannot predict exactly what will happen, we believe that ending most of the rules will produce the best results for consumers over time. We base this judgment on our experience with airline deregulation. Airline deregulation has provided lower fares and better service for consumers, in part by enabling new firms to enter the airline business. Several of the new airlines have followed new business plans that have provided great benefits for airline travelers. Airline deregulation has produced these benefits even though the deregulated airline industry has not operated in the manner expected by industry experts on the eve of deregulation. The deregulation of the CRS business should also benefit consumers, even though we cannot forecast how it will play out.

Our final rule also conforms to the limits imposed by Congress on our authority to regulate the airline and airline distribution businesses. Congress has given us the authority to prevent practices that violate the antitrust laws or antitrust principles and practices that are deceptive, but no comprehensive oversight authority over airline distribution. We are adopting only those rules that are necessary to prevent practices in the CRS business that would constitute unfair or deceptive practices, or unfair methods of competition.

We are aware that some participants in the airline distribution and CRS businesses may seek to engage in anti-competitive conduct that would reduce competition in the airline and airline distribution businesses and thereby harm consumers. A system, for example, might develop vertical ties with an airline that would cause the system to operate in a way that could prejudice airline competition. Some systems may seek to pursue practices that would reduce competition in the CRS business and preserve their market power over airlines. Even without specific regulations, any such practices could be unfair methods of competition and thus unlawful. We retain the authority to bring enforcement cases against firms that violate the statutory prohibition against unfair methods of competition, and we will take appropriate action if we have evidence of unlawful conduct. As Congress stated when it deregulated the airline industry, S. Rep. No. 95–631, 95th Cong., 2d Sess. (1978) at 52:

> Vigorous enforcement of antitrust policy is the discipline by which competition can remain free and markets can operate in a healthy fashion. Predatory behavior, market concentration, and other economic evils should be avoided and remedied by the Board when they exist.

See also H. R. Rep. No. 98–793, 98th Cong., 2d Sess. (1984) at 5: ''Although the airline industry has been deregulated, this does not mean that there are no limits to competitive practices. As is the case with all industry, carriers must not engage in practices which would destroy the framework under which fair competition operates.''

We will also actively monitor the systems' reactions to the substantial deregulation of their business, and we, of course, retain the power to reexamine our decision that all rules should terminate by July 31, 2004, if the systems' conduct or other developments makes such a reexamination necessary.

Our final rule departs from the proposals made by our notice of proposed rulemaking. Our notice proposed to eliminate two of the major rules, the rule barring discriminatory booking fees and the rule requiring airlines with a significant ownership interest in one system to participate in competing systems at an equivalent level if the terms for doing so were commercially reasonable, but to readopt most of the remaining rules. Our review of the rulemaking record up to that point suggested that rules were still necessary, notwithstanding the changes in the systems' ownership and the growing role of the Internet. 67 FR 69375–69384. The notice, however, did request comment on whether we should sunset more of the rules now, and we predicted that the rules would become unnecessary in a few years. 67 FR 69368, 69376, 69388–69389.

The comments and the continuing developments in airline distribution and the CRS business have convinced us that most of the rules are no longer appropriate. In particular, one of the systems, Worldspan, was owned by three U.S. airlines when we issued our notice of proposed rulemaking but was sold several months ago to two private venture capital firms. The airline distribution business has continued to evolve since we issued the notice. Airlines are selling more tickets through the Internet. Moreover, as we predicted, the airlines' control over access to their webfares has led some of the systems to offer airlines discounted booking fees in return for the ability to sell those fares. 67 FR 69381; Galileo Supp. Comments at 5–8. And the comments have shown that the systems' contracts with travel agencies are significantly less restrictive than they were even a few years ago. *See, e.g.*, ASTA Comments at 14–16.

That our final rule does not duplicate our proposal is consistent with the purpose of rulemaking procedures. The notice of proposed rulemaking was designed to obtain comments from interested persons on our tentative findings and our economic and policy analysis and to enable them to submit current information. We held a public hearing to give interested persons an additional opportunity to present their views and respond to our questions. The comments submitted in this proceeding, together with the on-going developments in the airline distribution and CRS businesses, have persuaded us that our proposals should not be made final. Those proposals, while reasonable in light of industry conditions two or three years ago, to a large extent no longer reflect current conditions.

We will begin our explanation of our final rule by updating our description of the CRS and travel agency businesses, and we address several procedural issues. We then discuss our conclusions on the need for adopting some CRS rules, including our findings that the systems continue to have market power over airlines, and discuss the question of our legal authority to readopt the rules and to apply them to systems that are not owned by airlines. We thereafter present the rationale for our decisions on each of the rule proposals.

Our notice of proposed rulemaking included a request for comments on whether we should clarify our policy on fare disclosures as regards the disclosure of travel agency service fees. We have decided to address that question in a separate rule.

We will refer to commenters by their common names (for example, ''Alaska,'' not ''Alaska Airlines''). References to comments and reply comments are to the pleadings filed in response to the notice of proposed rulemaking, not the pleadings filed in response to the advance notices of proposed rulemaking, which were discussed in the notice of proposed rulemaking. We will refer to the statutory provision that is the principal basis for our adoption of CRS rules, 49 U.S.C. 41712, by its traditional name, section 411, as we did in the notice of proposed rulemaking. The glossary at the beginning of this document gives the meaning of the abbreviations and technical terms used in this rule.

B. Background

Our notice of proposed rulemaking described in some detail the nature of the airline distribution and CRS businesses, including the travel agency business. 67 FR 69369–69375. Here we will update our factual description on the basis of the information provided by the comments and set forth the factual findings underlying our final decision.

1. The CRS Business

Airlines use several distribution methods: direct sales through their reservations agents, sales through ''brick-and-mortar'' travel agencies, sales through individual airline websites, and sales through on-line travel agencies. In the past, the ''brick-and-mortar'' travel agency channel produced the great majority of airline revenues for almost all airlines. In 1999 travel agencies sold almost three-quarters of airline tickets, almost all through off-line travel agencies. 67 FR 69369, citing Bear, Stearns & Co., ''Point, Click, Trip: An Introduction to the On-Line Travel Agency'' (April 2000) at 17. Since then the Internet has become an increasingly important distribution channel. Galileo states that the different channels' shares of total airline tickets in 2002 were as follows, Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 24:

	Percent
off-line sales by airlines	17
on-line sales by airlines	10
off-line sales by travel agencies	58
on-line sales by travel agencies	15

Until recently the great majority of all travel agency airline ticket sales, whether off-line or on-line, have been made through one of the systems.

Four systems operate in the United States: Sabre, Galileo, Worldspan, and Amadeus. Each of them was originally developed by one or more U.S. airlines (Amadeus entered the U.S. market by acquiring a U.S. system). Two of the systems—Sabre and Galileo—were no longer owned or controlled by any U.S. airlines when we issued the notice of proposed rulemaking. At that time, three U.S. airlines—American, Delta, and Northwest—owned Worldspan. Amadeus was then owned by three European airlines—Air France, Iberia, and Lufthansa—as well as by public shareholders (and has the same ownership today). Worldspan's airline owners sold that system to two private venture capital firms on June 30, 2003, after the issuance of our notice of proposed rulemaking. As part of that sale, the airline owners agreed to certain parity clauses and marketing commitments. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 20; Amadeus Comments at 32–33; August 1, 2003, Letter from Charles Simpson, Jr.; Sabre Supp. Reply at 4. Amadeus is now the only system with any airline ownership.

The systems that have no airline owners have marketing ties with their former owners. United markets Galileo, American markets Sabre, and Delta and Northwest have agreed to market Worldspan for several years following the closing of the system's sale. Amadeus Comments at 25, n. 24; Galileo Supp. Comments at 1–4. Southwest also markets Sabre, although Southwest never had an ownership interest in the system.

Each system's share of CRS airline bookings in the United States in 2002 was as follows, Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 18:

	Percent
Sabre	44.7
Worldspan	26.5
Galileo	19.7
Amadeus	9.2

Since 1999 the shares of Galileo and Amadeus have been declining, while Worldspan's share has risen sharply, from 19.3 percent to 26.5 percent. The growth in Worldspan's share in large part reflects its status as the booking engine for two of the three largest on-line travel agencies, Expedia and Orbitz.

Each system provides information and booking capabilities on the airlines that ''participate'' in it, that is, agree to make their services saleable through the system. The system obtains its availability information from the airlines' internal reservations systems, and it makes bookings in those systems, which are used by the airlines' own reservations agents and other staff members. The systems also provide information and booking capabilities for rental cars, hotels, and other travel services. Airline transportation is the most important travel service sold through the systems, and airlines obtain a larger share of their revenues from CRS bookings (sales made through the systems) than do other travel suppliers. 67 FR 69370.

An airline (or other travel supplier) participating in a system must pay fees for each booking transaction (the fees paid by participating airlines are usually called ''booking fees''). Airlines can participate at different levels. At higher levels the information provided travel agencies will be more timely and so more reliable, and travel agents can carry out tasks like reserving specific seats for their customers. An airline that chooses a higher level of participation must pay a higher booking fee. 67 FR 69370. Booking fees paid by airlines provide well over half of the systems' total revenues. 67 FR 69380.

The average airline booking fee per segment is $4.25. Because the average ticket includes more than one segment, the average booking fee per ticket is $11. United Reply Comments at 28; ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002), at 16. United alleges that its average booking fee per segment equals 3.3 percent of its average revenue per segment. United Reply Comments at 29. Sabre has stated that the effective booking fee per segment for its highest level of participation was $4.38 in 2002, about 2.4 percent of the average airline ticket price for tickets sold through Sabre. Sabre charges $2.12 per segment for airlines participating at its low level, Basic Booking Service. Sabre Comments at 14; Sabre Comments, Wilson Declaration at 6.

Sabre and Galileo have created programs that give participating airlines lower booking fees in return for a commitment to provide the system with all of their webfares. Under Sabre's Direct Connect Availability program (''DCA program''), an airline can obtain a 10 percent reduction in its booking fees, guaranteed for three years, in exchange for a commitment to provide the system with all of the airline's published fares, including its webfares. American, Continental, Delta, Northwest, United, U.S. Airways, and a number of smaller airlines now participate in this program. Sabre Supplemental Reply at 1.

Galileo first established its Momentum program, which gave airlines a 20 percent reduction in booking fees for tickets sold through participating travel agencies, if the airlines agreed to give Galileo access to all of their publicly-available fares. Travel agencies could participate in the program if they agreed to a reduction in their incentive payments from Galileo. United and U.S. Airways were the first airlines that joined this program. One of the travel agencies that joined the program was Rosenbluth International, the fourth largest U.S. corporate travel agency. Due to complaints from America West and other airlines, Galileo dropped the initial requirement that any airline participating in the Momentum program must upgrade its participation level to the highest level. More recently Galileo introduced Preferred Fares Select, which will enable airlines to obtain lower booking fees on all of their bookings if they agree to make all of their publicly-available fares saleable through Galileo. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 52–56; Galileo Reply Comments at 33–34; Galileo Supplemental Comments at 5–8; Sabre Comments, Fahy Declaration at 10–11.

The record does not indicate that Amadeus or Worldspan has introduced comparable programs.

Travel agencies often obtain CRS services at no cost or receive bonus payments in exchange for agreeing to use a system. ASTA states that in 2002 fewer than half of all travel agencies paid monthly fees for system services and that 60 percent of them received a signing bonus of some kind from the system that they were using. ASTA Comments at 17. The systems pay on average $1 to $1.50 per booking to travel agencies for using a system. Sabre Comments at 7.

As we stated in the notice of proposed rulemaking, travel agents have depended heavily on the systems to determine what airline services are available and to make bookings. There we cited statistics showing that travel agencies in 1999 sold almost three-quarters of all airline tickets and made 93 percent of their domestic airline bookings and 81 percent of their international airline bookings through a system. 67 FR 69369–69370. The record shows that since then the share of airline revenues produced by travel agents using a system has been declining. The Justice Department states that the share of revenues produced by ''brick-and-mortar'' travel agencies for the five airlines that own Orbitz has fallen from 76 percent in May 2000 to 67 percent in March 2002, primarily due to the growth in Internet sales. Justice Department Reply Comments at 14–15.

In the past, almost all U.S. airlines participated in every system. Southwest, which has participated only in Sabre and at a low level, was the major exception. JetBlue, which began operations in 2000, also participates only in Sabre and at the same level as Southwest. Sabre Comments at 38. Airlines that can avoid participation in every system focus their marketing efforts instead on direct sales to consumers, made through either the airline's website or its reservations agents. Airlines that have been participating in all of the systems, such as Alaska, have been shifting many of their bookings away from the travel agency channel, which required them to pay the systems' booking fees. *See, e.g.*, Alaska Comments at 5. The large network airlines nonetheless still obtain at least 60 percent of their revenues from bookings made by travel agents using a system, as discussed below. American, for example, states that over 70 percent of its bookings are made through the systems. American Reply Comments at 19. The share of total industry bookings made through the systems has been declining in part due to the growth of airlines like Southwest that do not depend on travel agencies for the major share of their revenues. American Reply Comments at 19.

The systems have played a major role in airline distribution because travel agents—the airlines' primary distribution channel—have relied so much on the systems for investigating airline service options and booking tickets, because the systems are so efficient. They electronically provide comprehensive information and booking capabilities on airlines and other travel suppliers. Each system presents displays that integrate almost all services offered in a market. Each system shows the schedules and fares offered by airlines in each market that are available for sale through travel agents using that system and whether seats are available on specific flights at specific fares (some fares are often not available through the systems, notably corporate discount fares and webfares). The system thus allows the travel agent to compare the schedules and fares offered by different airlines and determine which would best meet a customer's needs. The agent using a system can reserve a seat and issue a paper ticket or print an E-ticket.

On-line agencies also use systems—Travelocity uses Sabre, while Expedia and Orbitz use Worldspan, for example. 67 FR 69370. Orbitz and Expedia have been developing direct connection technologies which enable bookings to be made directly with an airline's internal reservations system, bypassing Worldspan. Sabre Comments, Fahy Declaration at 8–9.

Since the Board first adopted CRS rules, no firm has entered the CRS business. Until recently, entry into the CRS business would have been prohibitively costly and time-consuming. 67 FR 69381. This may no longer be true. Sabre Comments, Fahy Declaration at 8. New direct-connection technologies can enable firms to provide airline information and booking services that replicate at least some of the services provided by the systems. Galileo Comments at 42, n. 38. Orbitz, which now operates as an on-line travel agency, plans to make its services available to travel agencies through software being developed by Aqua. Orbitz continues to rely on Worldspan for some functions involved in the search and booking process. 67 FR 69373, 69374. Another commenter in this proceeding, AgentWare, is also offering travel agencies fare and schedule information and links to booking sites. Galileo Comments at 66–67.

The development of sources of airline information and booking capabilities on the Internet has created additional resources that travel agents can use. Travel agents are increasingly checking the fares and services offered on websites because some airline discount fares have not been sold through the systems. Travel agents, however, continue to make most of their airline bookings through a system. Using alternative booking channels is less efficient for travel agents, as discussed below. Nevertheless, the development of alternative sources of information and booking capabilities on the Internet, and the airlines' control over access to their webfares, have begun to make the systems responsive to market force discipline.

Corporate travel departments as well as travel agencies use the systems. A corporate travel department can book travel for its company's employees by accessing a system through the Internet or by Intranet (an internal corporate communications network based on Internet technology). 67 FR 69370.

Systems operate throughout the world. U.S. systems like Sabre and Worldspan market their services to travel agencies in foreign countries, and Amadeus is a major system in the Eastern Hemisphere. The systems had the following shares of worldwide CRS airline bookings in 2002, Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 18:

	Percent
Sabre	30.8
Worldspan	15.1
Galileo	26.4
Amadeus	27.7

The European Union, Canada, and other governments have regulations governing CRS operations. The United States has entered into a number of international air services agreements that require each party to ensure that the systems operating in its country and their owners do not subject airlines and systems from the other country to discriminatory treatment. 67 FR 69371–69372.

2. The Travel Agency Distribution System and the Business Relationships Between Travel Agencies and the Systems

The systems' practices have affected airline competition because of the importance of travel agents in airline distribution. The travel agency system has provided airlines with an efficient means of distribution. Travel agencies have acted as agents for virtually all airlines and generally hold themselves out to the public as sources of impartial advice on airline services and other travel services. 67 FR 69371.

In 2001, there were 18,425 travel agencies. The travel agency business is dominated by the largest travel agencies. In 2001, the 117 travel agencies with revenues of more than $50 million (as measured by sales of air transportation) accounted for 57.2 percent of all travel agency sales. The 1,015 travel agencies with revenues of $5 million to $50 million accounted for another 20.1 percent of all travel agency sales. ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002), at 113. *See also* Sabre Comments, Salop & Woodbury Declaration at Table 3 (Sabre's top five subscribers produced 25.7 percent of its total bookings, excluding Travelocity, and the top 100 produced 49.6 percent of its total bookings, excluding Travelocity).

As noted above, in 2002 the airlines obtained 58 percent of their bookings from ''brick-and-mortar'' travel agencies and 15 percent from on-line travel agencies. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 24. The three largest on-line travel agencies had the following shares of all on-line travel agency bookings in 2002: Travelocity, 28.5 percent; Expedia, 28.7 percent; and Orbitz, 21.3 percent. Sabre Comments, Salop & Woodbury Declaration at Table 2. Travelocity is a Sabre subsidiary, while Orbitz is owned by the five largest U.S. airlines—American, Continental, Delta, Northwest, and United. Travelocity has been using Sabre as its source of airline information and booking capabilities, while Expedia and Orbitz have been using Worldspan for these functions. Orbitz and Expedia have been developing direct connections with airlines that bypass Worldspan. Airlines that agree to be ''charter associates'' in Orbitz, which includes a commitment to make all publicly available fares available for sale through Orbitz, receive a rebate on their booking fees. 67 FR 69374.

The larger airlines still obtain most of their revenues from bookings made by travel agents. However, despite the continuing importance of travel agencies in airline distribution, the travel agency business has faced severe business problems in recent years, due to developments such as the airlines' elimination of base commissions (but not incentive commissions), the growing use of the Internet by many travelers, particularly leisure travelers, and the overall decline in airline traffic. *See* ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' National Commission To Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002). From 1994 to 2002, the number of travel agencies fell by 31 percent and the number of travel agency locations by 21 percent. ''Upheaval in Travel Distribution'' at 21. The number of travel agencies declined by 12 percent in the year ended September 2002 and by another 7 percent through April 2003. ASTA Reply Comments at 15–16.

The nature of the travel agencies' operations is important to this proceeding, because we must consider the impact of our decisions on the travel agencies' business and because the rules have covered some features of the relationships between the systems and travel agencies. However, providing support for travel agencies that would offset other economic developments is not within our statutory authority and therefore not a proper goal of this proceeding. This proceeding must be, and is, limited to preventing system practices and related airline practices that would harm consumers by significantly reducing airline competition.

A critical factor in our decision-making is that travel agencies, unlike most airlines, can choose which system to use. Most travel agencies need to use only one system, and for most travel agencies no system has features and information that are indispensable, as discussed below. Because most travel agencies are free to decide to use one system rather than its competitors, the systems compete vigorously for travel agency customers. As noted above, systems usually pay travel agencies for choosing one system rather than another. *See, e.g.*, 67 FR 69371; Sabre Comments at 7.

In past rulemaking proceedings, and in our notice of proposed rulemaking in this proceeding, we cited evidence that the systems' contracts with travel agencies often contained provisions that unreasonably restricted the travel agencies' ability to use more than one system or to use alternative electronic sources of airline information and booking channels. 67 FR 69405; 57 FR 43822. For example, each system formerly kept travel agencies from buying their own equipment and made them use equipment provided by the system for accessing its services. 57 FR 43796. The record further suggested that the systems' contracts with travel agencies typically included ''productivity pricing'' programs that imposed financial penalties on an agency that began using another system or other booking channel for making a substantial number of bookings, or that gave the agency incentive payments if it made most of its bookings through that system. 67 FR 69408. These types of restrictive contract provisions concerned us because they tended to preserve the systems' market power and denied airlines an opportunity to encourage travel agencies to use alternative electronic means for obtaining information on airline services and making bookings, such as direct links between a travel agency and an airline's own internal reservations system. Our notice observed, however, that the systems were giving at least some travel agencies more flexible terms. 67 FR 69405.

The proposals made by our notice fairly reflected industry conditions when the comments on our advance notices of proposed rulemaking were filed. Large Agency Coalition Comments at 7. However, the comments submitted in response to our notice of proposed rulemaking show that travel agencies since then have been successfully demanding more flexible contracts and winning the ability to use alternative booking channels. ASTA's October 2002 travel agency survey made the following finding (quoted in Sabre Comments at 151):

[CRS] vendors are introducing a new crop of more flexible contracts with less rigid productivity requirements and more pricing options. [C]ontract terms have gotten more favorable towards agencies with shorter overall length, lower required segments and a higher percentage of agencies receiving booking incentives.

See also Large Agency Coalition Comments at 7–14.

For example, subscriber contracts typically have a term that is substantially shorter than the maximum permitted by our rules. Our rules prohibit contracts with a term of more than five years and require a system to offer a three-year contract to any travel agency offered a five-year contract. 57 FR 43825. For some time after we adopted that rule, few travel agencies had contracts with a term of less than five years. 67 FR 69405. Now, however, many travel agencies have contracts that are no more than three years in length. The percentage of travel agencies with five-year contracts has declined from 85 percent in 1998 to 47 percent in 2002, while the percentage with three-year contracts has risen from 9 percent in 1998 to 39 percent in 2002. Almost 60 percent of Worldspan subscribers had five-year contracts in 2002, while only 35 percent of Sabre's subscribers had such contracts. Sabre Comments at 17–18; Sabre Comments, Fahy Declaration at 14–15.

Travel agencies, moreover, have a substantial ability to switch systems when their existing contract expires. Half of the responding agencies in the ASTA survey stated they intended to obtain competitive bids at the end of their current contract, while another third stated that they might seek competitive bids and only one sixth stated they definitely intended to continue using the same system. Sabre Comments at 153. Nonetheless, switching systems can impose significant costs on travel agencies, at least for smaller travel agencies. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 81.

When we last readopted the rules, we added a provision giving travel agencies the right to use their own equipment to access a system and to use third-party software. Before then, each system typically demanded that its subscribers use equipment provided by the system and barred subscribers from accessing other systems and databases from that equipment. 57 FR 43796–43797. Travel agencies are increasingly using their own equipment. Only 70 percent of travel agencies leased equipment from a system in 2002, while 85 percent did so in 2000. ASTA Comments at 14. Sabre alleges that it seeks to exit the equipment-leasing business, that 73 percent of the equipment used by Sabre subscribers will be provided by third parties by the end of 2003, and that 62.5 percent of their equipment was being provided by third parties as of November 2002. Sabre Comments at 131. Amadeus states that only one fourth of its subscribers rely entirely on equipment provided by Amadeus. Amadeus Comments at 45. Subscribers to other systems are more likely to use equipment provided by the system. ASTA represents that systems do not resist subscriber efforts to use their own equipment instead of equipment provided by the system. ASTA Comments at 15. Sabre represents that it does not enforce the provisions in its older subscriber contracts that barred the travel agencies from using Sabre equipment to access other systems. Its subscribers are free to use multiple systems. Sabre Comments at 17, n. 17, and 71. Amadeus has made a similar representation. Amadeus Comments at 45.

Sabre further represents that the larger travel agencies often have complete flexibility in using the systems. Sixteen of Sabre's 20 largest ''brick-and-mortar'' travel agency customers use multiple systems, and many use their own software to direct bookings to a specific system, often in order to maximize their incentive payments. Those 16 agencies produce 35 percent of Sabre's total volume from ''brick-and-mortar'' travel agencies. Sabre Comments at 71. However, as discussed below in our market definition analysis, each location of a travel agency that subscribes to more than one system tends to predominantly rely on one system rather than make substantial use of every system whose services are being purchased by the parent firm.

Using alternate booking channels and sources of information has become easier for travel agents in recent years. New software, for example, allows travel agents to conduct fare searches simultaneously through a system and airline websites. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 29. The systems allegedly do not seek to block their subscribers from using alternative booking channels and sources of information, and they help develop tools enabling travel agents to use alternative sources of information. Galileo Comments at 64, 66–67. In 2002, 98 percent of all travel agencies had Internet access, according to an ASTA survey. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 81.

However, despite the widespread use of the Internet by travel agents, they make relatively few bookings through the Internet. According to the ASTA survey, travel agents made only 10 percent of their bookings through websites, and most of those bookings were for tours booked through tour operator sites. ASTA Comments at 12. The inefficiency of using the Internet for airline bookings is probably the most important deterrent to a greater use of the Internet. *See* ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' National Commission To Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002), at 47–50.

Our notice further identified the systems' pricing practices as a factor that seemingly kept travel agencies from using alternative systems and booking channels. Each system's productivity pricing program generally gave travel agencies incentive payments if a subscriber used the system for a large majority of its bookings (or imposed financial penalties if it did not). We believed that such productivity pricing programs effectively deterred travel agencies from making significant use of alternative booking channels, such as airline websites. While we noted that the percentage of subscriber contracts with productivity pricing had been declining, most subscriber contracts still included productivity pricing. 67 FR 69408–69409.

The comments show that the systems' productivity pricing provisions have become significantly less widespread and less restrictive in the last few years. In 1998 91 percent of subscriber contracts had productivity pricing, but only 56 percent did in 2002. The average number of bookings required before a travel agency can obtain incentive payments has fallen from 252 in 1998 to 194 in 2002. ASTA Comments at 15; Sabre Comments at 69, 162. The Large Agency Coalition represents that the systems' incentive payment programs typically allow the travel agency to make up to thirty percent of its bookings outside the system before it suffers a financial penalty. Transcript at 231. Despite these changes, however, Sabre states that it has contracts with some small travel agencies that require the subscriber to use no system other than Sabre. Sabre argues that this requirement is reasonable under the circumstances because Sabre is providing support for the agency's operations that would otherwise not be economical. Sabre Comments, Salop & Woodbury Declaration at 20. Nonetheless, despite the greater flexibility allowed travel

agencies by recent productivity pricing arrangements, the record suggests that the systems' current contractual arrangements may still deter travel agencies from making many bookings through the Internet. Orbitz Comments at 23, n. 10; ASTA Comments at 26, n. 44, and 34–35; Travel Management Alliance Comments.

The increasing flexibility of the contracts obtained by travel agencies is the result of changes in the travel agency business. ASTA states that travel agencies must have a greater ability to respond to changing technology, especially the growth of the Internet. The increasing uncertainties of the travel agency business itself, moreover, are likely to encourage many travel agencies to avoid long-term commitments if possible. ASTA Comments at 14. The large travel agencies created in recent years have more bargaining leverage with the systems.

In the past, we have endeavored to prevent system practices that would deter travel agencies from using multiple systems. We reasoned that the systems' market power over airlines would be reduced if travel agencies had the ability to use alternative sources of airline information and booking capabilities. 57 FR 43797. Travel agency parties had encouraged those efforts. 67 FR 69391; 57 FR 43796.

The travel agency commenters in this proceeding assert, however, that rules designed to encourage travel agencies to use multiple systems will be futile. They contend that almost all travel agencies predominantly or entirely use one system. ASTA thus alleges, ASTA Comments at 3–4:

> Use of a single CRS is a function of the market reality that multiple CRS's are highly inefficient for travel agencies, who therefore do not employ them. No amount of realistically foreseeable inducement from competing CRS's or regulatory pressure from DOT is going to overcome the inefficiencies for most agencies of operating multiple CRS's in today's environment.

See also Transcript at 213.

Using more than one system is generally inefficient for travel agencies, because, among other things, it requires training staff members to work with different systems and will cause the booking records of different customers to be in different places. Cardinal Travel Service Comments; Galileo Comments at 64–65; Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 79; ASTA Comments at 23–24; Large Agency Coalition Comments at 20. At travel agencies that have multiple offices, each office tends to use one system even though the firm subscribes to several systems. Carlson Wagonlit Comments at 11.

Travel agencies, moreover, assertedly have no need to use multiple systems. Large Agency Coalition Comments at 20; Transcript at 236–237. While some travel agencies use multiple systems, they appear to make relatively little use of the secondary system. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 79–80. The Large Agency Coalition is a group of 22 large, corporate-oriented travel agencies, all but one of which was included in a recent listing of 84 top corporate travel agencies. Although many of the 22 use two or three systems, they typically do so because (i) the dominant airline in a city other than the agency's headquarters city insisted that the agency use the system affiliated with the airline, (ii) a newly-won corporate client wished to keep its existing system at an on-site location rather than switch to the agency's primary system, or (iii) the agency acquired another agency which had a contract obligating it to continue using another system. Large Agency Coalition Comments at 1–3. *See also* Transcript at 212.

3. Regulatory Background

The Board's rules, adopted in 1984, included an expiration date to ensure that we would reexamine the rules after they had been in force for several years. We therefore reexamined those rules through our rulemaking completed in 1992. 57 FR 43780 (September 22, 1992). We readopted the rules, because we found that CRS rules remained necessary then to protect airline competition and to help ensure that consumers did not receive inaccurate or misleading information on airline services. We based our decision on the systems' control by airlines and airline affiliates, which could still use their control of the systems to prejudice airline competition if there were no rules. Airlines then relied on travel agencies for distribution and had no practical ability to induce travel agencies to use systems charging lower fees, and travel agencies did not choose systems on the basis of their treatment of airlines. *See* 67 FR 69367, 69372.

The rules adopted by us regulate the operations of systems owned or marketed by an airline or airline affiliate insofar as the system was providing services to travel agencies.

The current rules (i) bar each system from using carrier identity as a factor for editing and ranking services, (ii) prohibit systems from charging airlines discriminatory booking fees, (iii) require each system to make available to any participating airline the booking and marketing data generated by the system from bookings for domestic travel made through the system, and (iv) prohibit certain types of restrictive contract provisions that unreasonably limit the travel agencies' ability to switch systems or use more than one system. The rules also require each system to provide non-owner airlines with information and booking capabilities as accurate and reliable as those provided the owner airline, and they give each travel agency the right to use its own equipment in conjunction with a system and to access other systems and databases from the same terminals used to access its primary system, unless the agency uses equipment provided by that system. The rules additionally require each airline with a significant CRS ownership interest to participate in other systems at as high a level of functionality as it does in its own system, if the terms for participation are commercially reasonable (this is the mandatory participation rule).

Five years after our last overall reexamination of the rules, we revised the rules in two respects. First, we prohibited systems from enforcing ''parity clauses'' against airlines that did not own or market a competing system. 62 FR 59784 (November 5, 1997). The parity clauses required each airline to buy at least as high a level of service from the system as it did from any other system. The parity clauses made it unnecessary for systems to compete for airline participation at higher levels of service. Secondly, we strengthened the prohibition against display bias by requiring each system (i) to offer at least one display that does not give on-line connections a preference over interline connections and (ii) to either list one-stop and other direct flights before connecting services or use elapsed time as a significant factor in selecting flight options from the database. 62 FR 63837 (December 3, 1997). We strengthened the rule in large part because of evidence that United had caused Galileo to create displays that prejudiced United's competitors. 62 FR 63840–63841.

C. Development of the Record in This Rulemaking

To ensure that the record in this proceeding would be as complete as possible and that all interested persons would have the opportunity to present their views and to respond to points made by other commenters, we have used procedures in addition to those required by the Administrative Procedure Act for informal rulemakings. We began this proceeding by issuing an advance notice of proposed rulemaking,

62 FR 47606 (September 10, 1997). We issued a supplemental advance notice of proposed rulemaking that asked interested persons to update the record and to comment on the implications of two developments, the Internet's growing role in airline distribution and the systems' shrinking airline ownership. 65 FR 45551 (July 24, 2000).

After reviewing the comments submitted in response to those notices, we issued our notice of proposed rulemaking on November 15, 2002. That notice, as stated above, proposed to readopt most of the existing rules but also asked for comments on whether the rules had become unnecessary. We additionally proposed to eliminate the mandatory participation rule and the prohibition against discriminatory booking fees. We tentatively concluded that we should not extend the rules to cover the distribution of airline tickets through the Internet. We asked for comment on whether we should change our policy statement requiring travel agents to disclose the full amount of airline fares to consumers so that travel agents would be obligated to state separately the amount of any travel agency service fee, as long as the fee did not exceed certain levels. We took into account the changes in the systems' airline ownership, although only Galileo and Sabre then had no airline owners. We tentatively believed that the systems might engage in practices that would undermine airline competition due to the marketing relationships and other ties that continued to exist between the systems and their former airline owners.

To make certain that interested persons had ample opportunity to present their evidence and positions on the issues, we established a lengthy comment period and asked for reply comments. 67 FR 69366. We later extended the comment period and reply comment period by two months and one month, respectively. 67 FR 72869 (December 9, 2002). To provide an additional opportunity for public participation, we also held a public hearing on May 22, where interested persons could present their views to a Department official, Michael W. Reynolds, the Deputy Assistant Secretary for Aviation and International Affairs, and answer his questions. 68 FR 25844 (May 14, 2003); 68 FR 27948 (May 22, 2003).

We received about 95 comments and 35 reply comments. The commenters included members of Congress, other Federal agencies, the systems, many U.S. and foreign airlines, many travel agencies and travel agents, firms that process the marketing and booking data sold by the systems, and several public interest groups. Because of the complexity of the issues and the varying effects of the rule proposals, the commenters do not share common views.

The Justice Department argues that we should readopt the rules prohibiting display bias and should not adopt any other rules except possibly transitional rules barring the systems from demanding most-favored-nation clauses in their contracts with participating airlines. Sabre, Worldspan, United, Expedia, and Travelocity contend that we should terminate all of the CRS rules. Amadeus, Galileo, Alaska, America West, Midwest, and U.S. Airways generally assert that most of the rules should be readopted. Orbitz, American, Continental, Delta, and Northwest argue that we should maintain some rules only for a transition period to ensure that the CRS industry's deregulation will succeed. The travel agency commenters largely support the continuation of rules governing the systems' contracts with their travel agency customers but object to any significant restrictions on the systems' incentive pricing programs. The public interest groups generally oppose continued regulation, but some argue that we should take action to prevent Orbitz' operations from reducing competition.

As stated above, we have determined not to make final our tentative proposals to readopt most of the rules. The comments on our notice of proposed rulemaking have shown that market forces in the CRS business are more effective than was shown by the comments submitted before we issued that notice: the airlines' control over access to their webfares has enabled them to obtain better terms for participation in some systems, the systems' subscriber contracts are giving travel agencies increasing flexibility to use alternative booking channels, and the airlines' share of revenues from travel agents has continued to decline. Furthermore, as a result of the Worldspan sale, no system is now controlled by U.S. airlines.

Before turning to the detailed discussion of the substantive issues, we will address the procedural questions raised by commenters.

D. Procedural Issues

For this proceeding we have followed the notice-and-comment procedures established by the Administrative Procedure Act for informal rulemakings, as we have done in all past CRS rulemakings. 67 FR 69369. We also held a public hearing and invited interested persons to submit reply comments as well as comments. These informal rulemaking procedures have given commenters a fair opportunity to present their evidence and policy and legal arguments and have enabled us to resolve the issues rationally and efficiently.

Some parties filed comments or reply comments after the due date for those documents. We have accepted all such documents, and we have considered them to the extent practicable.

Sabre's comments included several exhibits for which Sabre requested confidential treatment. Sabre thereafter concluded that some of these exhibits did not require confidential treatment, because their information was equivalent to that provided by other commenters without any request for confidential treatment. We were unable to work out an arrangement with Sabre on the remaining documents that would meet Sabre's interests in protecting the confidentiality of the information while satisfying our need to give all interested persons an adequate opportunity to review the information while preparing their comments. We are therefore returning those documents to Sabre, and we have not considered them at all in this rulemaking.

Some commenters requested a more formal hearing where they could cross-examine members of our staff and representatives for other commenters. We found such additional procedures would be unnecessary for the development of an adequate record in this proceeding. 68 FR 12883 (March 18, 2003).

Several commenters assert that the record is stale or incomplete. *See, e.g.*, Galileo Reply Comments at 9–13; ASTA Reply Comments at 4–8. We disagree. While our notice of proposed rulemaking cited some factual material that may not have reflected current conditions, the notice set forth our tentative factual findings, our reasoning on the economic and policy issues, and, most importantly, gave all interested persons ample opportunity to submit their own factual information. Any commenter who considered the factual record outdated or incomplete could have corrected any inadequacies by submitting current information. We believe that the record is more than adequate for our decision.

We also disagree with those commenters who contend that we cannot reach a rational decision on the issues without learning the details of the marketing and other on-going relationships between Worldspan and its former airline owners. *See, e.g.*, Galileo Reply at 10. In this proceeding we are considering what general rules,

if any, should be adopted that will regulate each system's operations, not whether specific features of the arrangements between Worldspan and its former owners may be unlawful as unfair methods of competition. The record is entirely adequate for us to determine what general rules should be adopted. If it becomes apparent that specific features of the relationships between Worldspan and its former owners present questions about possible violations of section 411, we can address those issues through our investigatory and enforcement powers. In addition, the record does not include information on the details of the relationships between Galileo and United, or between Sabre and American or Southwest. Some commenters, however, have submitted evidence on their experience with those relationships, and other commenters could have done so as well. That evidence indicates neither that we must obtain additional information nor that the existing relationships create a likelihood of anti-competitive behavior that would injure airline competition and that requires regulations.

Our notice of proposed rulemaking included an initial regulatory flexibility analysis as required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.* That analysis discussed the potential impact of our rule proposals on small entities and invited comments on that analysis. 67 FR 69423–69424. Travel agencies, several members of Congress, the Small Business Administration's Office of Advocacy, and some other commenters contend that we failed to comply with the Regulatory Flexibility Act, because our initial regulatory flexibility analysis allegedly failed to provide adequate analysis and an opportunity for comment on several rule proposals affecting travel agencies, particularly our proposal to restrict the systems' incentive payment programs. *See*, *e.g.*, June 9, 2003, Letter from Senators Snowe and Kerry; March 19, 2003, Letter from the Democratic Members of the House Committee on Small Business; Comments of the Small Business Administration Office of Advocacy; ASTA Comments at 51–54. We recognize the importance of the goal of ensuring that our rules do not unreasonably or unnecessarily affect small businesses and the importance of compliance with the Regulatory Flexibility Act. We believe that we have fulfilled our obligations under that statute. However, the issue is moot for the most part because we are not adopting the rule proposals that generated most of the complaints. In addition, certain other proposals sought by travel agency groups, such as a requirement that every airline make all publicly-available fares saleable through every distribution channel, are not alternatives that we have the statutory authority to adopt on the basis of the record in this proceeding. Our final regulatory flexibility analysis is set forth later in this rule.

We also conducted a review under 5 U.S.C. 610 of the CRS rules, Part 255, in this proceeding. As discussed below, we concluded that changes were necessary to relieve regulatory burdens and respond to changed circumstances.

E. The Need for Limited CRS Regulation

1. Introduction

We adopted the current rules because we found that regulations were necessary to prevent the systems from engaging in anti-competitive conduct that was likely to prejudice competition in the airline industry (for example, display bias and unjustly discriminatory booking fees). We additionally concluded that some practices followed by the systems represented efforts to preserve their market power over airlines (for example, subscriber contract provisions that kept travel agents from using alternative booking channels). We further determined that, if there were no rules, the systems would probably bias their displays, thereby denying travel agents and their customers impartial and information on airline services. 57 FR 43781–43787. In addition, as the Justice Department observes, the system owned by an airline that dominated a region had a substantially greater ability to obtain subscribers than did other systems. If that system operated in ways designed to prejudice the competitive position of rival airlines, it would reinforce its owner's dominant position in the airline market. Justice Department Reply Comments at 9.

We based these conclusions on our findings that airlines relied heavily on travel agencies for distribution, that travel agents generally used a system to determine what airline services were available and to make bookings, that each travel agency predominantly or entirely used one system for these tasks, and that the resulting need of almost all airlines to participate in each system meant that market forces did not discipline the prices and terms offered by the systems for airline participation. We further relied on the fact that each system was then owned and controlled by one or more airlines or airline affiliates. 57 FR 43781, 43790, 43794.

Recent developments, such as the systems' ownership changes and the growth of on-line bookings, have seriously eroded the basis for the findings on which the current rules were based. We must thus examine whether the regulation of system operations remains necessary. When we issued our notice, one system was still controlled by three U.S. airlines, and we tentatively found that the rules remained necessary because the systems still had market power over airlines and because the continuing ties between the systems and their former owners created a likelihood that systems would engage in conduct that would prejudice airline competition. 67 FR 69377–69384. We nonetheless invited comments on whether we should allow all of the rules to sunset, 67 FR 69368, and we stated that we anticipated that the on-going changes in the marketing of airline tickets could in time make the rules unnecessary. 67 FR 69376.

The commenters disagree on whether rules are still necessary. The Justice Department recommends that we maintain only the rules prohibiting display bias and possibly short-term rules barring certain types of most-favored-nation clauses in the systems' contracts with participating airlines. Some commenters, such as Expedia and United, contend that the rules should be terminated now. Sabre argues that no rules are necessary unless a system is still controlled by U.S. airlines. Other commenters, like Orbitz, American, Continental, and Northwest, contend that we should adopt regulations for a transition period to ensure that the ultimate deregulation of the CRS business will be effective. And still others, like Midwest, argue that the regulations are likely to remain essential for a number of years. Some commenters, like United, argue that we may not regulate non-airline systems at all and that we should not regulate systems owned or controlled by airlines.

2. Final Rule

We have concluded that market forces are beginning to discipline the systems' prices and terms for airline participation, and the systems' competition for subscribers is in large part eliminating contract provisions that substantially restrict travel agents from using alternative electronic sources of airline information and booking capabilities. Furthermore, the record does not contain evidence showing a likelihood that a system will engage in conduct designed to distort competition in the airline industry, except for display bias. Readopting most of the existing regulations would not be

justified without such evidence. For these reasons, we have determined to permit most of the rules to sunset upon their expiration on January 31, 2004.

The only exceptions are the rules that prohibit display bias and foreclose certain contract clauses with airlines that would maintain the systems' market power. We find that the systems continue to have market power over airlines, as argued by the Justice Department; that there is some potential for conduct by the systems that could prejudice airline competition (most notably the sale of display bias); and that systems could engage in practices that could unreasonably preserve their market power. For these reasons, we will adopt these rules for a six-month period in order to facilitate an orderly transition to a completely deregulated distribution marketplace. We retain the power to reexamine this decision if unexpected developments show that continuing regulation may be necessary. We are also prepared to take enforcement action if a system engages in conduct that appears to violate section 411.

We explain in this section why we have concluded that most of the current rules are no longer needed, and that the remaining rules will be maintained only for a short transition period. The several types of system conduct that create concern require separate discussion, because they involve different groups of system users—airlines, travel agencies, and travel agents and their customers—and the degree and effectiveness of market forces for each group is different. For airlines, the question is whether competition disciplines the prices and terms for CRS services offered airlines. For travel agencies, the question is whether the systems can engage in conduct that tends to preserve any market power they may have over airlines by unreasonably restricting a travel agency's use of alternative information sources and booking channels. For travel agents and their customers, the question is whether the systems could engage in display bias and similar practices that would lead to consumer deception and undermine airline competition. As a separate matter, we must determine whether, assuming that the systems do have market power over airlines, they are likely to pursue practices that would distort airline competition, even though no U.S. airlines now control any system.

Most commenters supporting continuing regulation assume that any rules should apply equally to all systems, whether or not owned and controlled by airlines. None of the commenters argues that Amadeus' ownership by three European airlines provides a basis for regulating that system if the others are unregulated. We agree. We doubt that the alliance relationships between each Amadeus owner and one or more U.S. airlines will substantially increase the potential for anti-competitive behavior affecting the U.S. airline market, especially since the Amadeus owners belong to different alliances. In addition, Amadeus has substantial public ownership, and its obligations to its public shareholders should lessen any potential for action by Amadeus designed only to distort airline competition in the United States. Amadeus also has the smallest market share in the United States. Amadeus Comments at 32–33; Sabre Comments at 4, n.6.

The primary basis for our rule proposals was our belief that the proposals appeared necessary to prevent system practices that would constitute unfair methods of competition and that market forces would not prevent those practices. We will begin our explanation of the need for maintaining some short-term, residual regulation with our analysis of the systems' market power over most airlines, an analysis that begins with our conclusions on market definition. We then discuss whether systems are likely to engage in conduct that would prejudice airline competition, preserve their existing market power, or give consumers and their travel agents misleading information on airline services. Despite our conclusion that the systems have market power over airlines, we are allowing most of the existing rules to expire because we find that the systems are not likely to engage in practices that would prejudice airline competition or tend to maintain their existing market power, except for display bias and the potential imposition of some contract clauses on participating airlines that would reduce the airlines' bargaining power. Because we conclude that the systems would probably sell display bias if our prohibition against doing so were immediately terminated, thereby misleading travelers, we have decided to retain that prohibition for a six-month transitional period to furnish the industry notice of the change.

Where we find short-term, transitional regulation necessary, our analysis is substantially the same for both airline and non-airline systems. Elsewhere, as discussed below, our conclusions that rules are not necessary stems in large part from the lack of any U.S. airline control of the systems now operating in the United States. If Orbitz enters the CRS business, there would again be a system controlled by U.S. airlines. However, we are unwilling at this time to adopt general regulations based upon Orbitz' potential entry.

3. Market Definition

In judging whether any regulation is necessary, the fundamental question is whether market forces would discipline system practices. If competition would do so, no rules should be necessary. *Cf.* Justice Department Reply Comments at 18.

When we adopted the current rules, we found that they were necessary because each system had market power over almost all airlines and market forces would not discipline the systems' anti-competitive practices. We also adopted rules governing subscriber contracts, even though we did not find that systems generally had market power over travel agencies, because the systems' contracts with travel agencies contained clauses that would maintain the systems' market power over airlines. 67 FR 69405. In the current rulemaking, we again made a tentative determination that the systems had market power over airlines.

Determining whether the systems have market power over airlines requires us to define the relevant market. The relevant market must contain all products or services that consumers—here the airlines—are likely to consider using for the same purpose. The relevant market includes all reasonably interchangeable products and services, because ''the ability of consumers to turn to other suppliers restrains a firm from raising prices above the competitive level.'' *United States* v. *Microsoft Corp.*, 253 F.3d 34, 51–52 (DC Cir. 2001), quoting *Rothery Storage & Van Co.* v. *Atlas Van Lines, Inc.*, 792 F.2d 210, 218 (DC Cir. 1986).

In our notice of proposed rulemaking, we tentatively found that, for airlines, each system is a relevant market. Most airlines still obtain the great majority of their revenues from travel agents, each travel agency office normally uses only one system, and travel agents rarely make airline bookings outside a system. If travel agents routinely used several electronic sources of airline information and booking capabilities when making reservations for their customers, an airline could then afford to withdraw from one or more systems, because the travel agents' use of alternative systems would still enable the airline to obtain bookings. Travel agencies, however, typically rely entirely or predominantly on one system for investigating airline service options and making bookings. 67 FR 69375–69376, 69377–69381.

As a result, an airline that wants its services to be readily saleable by travel

agencies must participate in each system, because otherwise it will lose a significant amount of revenue. As the Justice Department had stated in an earlier rulemaking, quoted at 67 FR 69376:

> Each CRS provides access to a large, discrete group of travel agents, and unless a carrier is willing to forego access to those travel agents, it must participate in every CRS. Thus, from an airline's perspective, each CRS constitutes a separate market and each system possesses market power over any carrier that wants travel agents subscribing to that CRS to sell its airline tickets.

We further noted that, due to the economics of the airline industry, the addition or loss of a few passengers on an airline flight will determine whether the flight is profitable. The importance of marginal revenues in the airline business meant that airlines cannot afford to lose access to any significant distribution channel. In that regard, we quoted the statement of one industry economist, Daniel Kasper, 67 FR 69375:

> Airlines utilize many different distribution channels for the simple reason that they must do so in order to ensure that their products are easily accessible to the broadest possible array of prospective travelers. . . . Because attracting incremental passengers is critically important to an airline's profitability, each airline strives to match or surpass the visibility to purchasers enjoyed by its rivals. That is, airlines must compete for ''shelf space'' in any channel where consumers prefer to shop.

The comments support our tentative factual findings on market definition. First, most airlines still obtain the majority of their revenues from bookings made by travel agencies through a system. The Justice Department states that the five airlines that own Orbitz derived 65 percent of their total revenues in March 2002 from ''brick-and-mortar'' travel agency bookings. Justice Department Reply Comments at 14. America West states that 67 percent of its revenues in 2002 came from bookings made through the systems. America West Comments at 7. Alaska similarly states that it obtains 56 percent of its revenues from travel agencies. Alaska Comments at 5. Delta states that 55 percent of its revenues are produced by ''brick-and-mortar'' travel agencies and that another 10 percent are produced by on-line travel agencies through a system. Delta Reply Comments at 39. Sabre by itself produces about one-third of a typical airline's revenues. Orbitz Comments at 10. While the Justice Department suggests that the systems' use by on-line travel agencies (as opposed to ''brick-and-mortar'' travel agencies) adds little to their market power over airlines, because most consumers check two or more websites before making a booking on-line, the Justice Department agrees that the systems have market power due to their usage by ''brick-and-mortar'' travel agencies. Justice Department Reply Comments at 15. About 80 percent of CRS bookings made by travel agencies are made by ''brick-and-mortar'' agencies. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 24.

In arguing that the systems do not have market power, Sabre cites figures showing that less than half of all tickets will be sold this year by travel agencies using a system. *See, e.g.*, Sabre Comments, McAfee and Hendricks Declaration at 2; Transcript at 8. We believe that market shares based on revenues, not individual tickets, should be determinative. A firm's profitability directly depends on its total revenues, not on the number of units sold. The travelers who make bookings on-line tend to buy tickets that are sold at greater discounts. The travelers using ''brick-and-mortar'' travel agencies are more important to the airlines because they tend to buy the more expensive tickets. Justice Department Reply Comments at 16.

We agree with Sabre that the travel agencies' share of total bookings has been declining and will likely continue to decline. *See, e.g.*, Justice Department Reply Comments at 14. However, as noted, the large network airlines still obtain the large majority of their revenues from travel agencies using a system, a situation likely to persist for some time to come.

Business travelers—the travelers that produce a disproportionate share of the network airlines' revenues—have been reluctant to make bookings on-line or otherwise outside the travel agency channel. Justice Department Reply Comments at 16; NBTA Comments at 11–14. Consumers make about five times as many on-line bookings as do corporate travelers. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 26, n. 40. We recognize that a growing number of business travelers are booking on-line, but they appear to be doing so through websites offered by travel agencies using a system, or through one of the corporate booking firms acquired by systems like Sabre. Sabre Reply Comments at 34–35; American Reply Comments at 25.

It may well be that within several years even a large proportion of business travelers will book their air travel outside of travel agencies using a system, but they do not do so now. Most airlines, including the major network airlines, derive the large majority of their revenues from bookings made through a system. *See also* Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 29.

Secondly, travel agents continue to rely on systems for booking airline tickets. ASTA states that, on average, 87 percent of travel agency airline bookings are made through a system. ASTA Comments at 23. Galileo estimates that an even higher percentage of travel agency bookings are made through a system. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 25, n. 37. Travel agents generally have access to the Internet and use it, primarily for research on travel options, but they have not made much use of the Internet for airline bookings, as noted above, because using the Internet is significantly less efficient than using a system. ASTA Comments at 12–13.

Thirdly, to operate more efficiently, most travel agencies use only one system, as discussed above. While the largest travel agencies tend to have two or more systems, they do not seem to make substantial use of all of them. Those agencies typically rely predominantly on one system. The Large Agency Coalition states that its members—all large corporate travel agencies—do not subscribe to multiple systems in order to improve their ability to book airline travel, but because of continuing business relationships between the agency and the dominant airline in local markets, between some of their corporate customers and airlines, or between an acquired agency and its system. Large Agency Coalition Comments at 1–3. Carlson Wagonlit alleges that each of its branch offices relies predominantly on one system even though the travel agency firm subscribes to all of the systems: ''Using multiple CRSs at one location creates numerous operational difficulties related to training agents on multiple CRSs and because client information is maintained within the CRS.'' Carlson Wagonlit Comments at 11.

Fourthly, the airlines' dependence on marginal revenues requires them to participate in every significant distribution channel. No commenter denies that marginal revenues are critical in the airline industry. Sabre's experts agreed with our finding: ''Air transportation involves high fixed costs and low marginal costs. Thus a few incremental bookings can spell the difference between profit and loss.'' Sabre Comments, Salop & Woodbury Declaration at 29.

We are unconvinced by the claims of several commenters that airlines can nonetheless find substitutes for the

travel agency channel and that travel agents can use substitutes for the systems. We recognize that Southwest, JetBlue, and some other low-fare airlines operate successfully without obtaining many bookings from travel agents. Southwest and JetBlue reportedly obtain only 20 percent and 10 percent of their revenues, respectively, from travel agencies. Justice Department Reply Comments at 15, n.14. Other airlines, particularly the large network airlines, cannot now practicably end their reliance on the travel agency channel. The low-fare airlines have traditionally focused on attracting leisure travelers. As shown, leisure travelers are much more likely to book flights through the Internet without using a ''brick-and-mortar'' travel agency (or an on-line agency). Insofar as other airlines follow a business strategy that involves attracting business customers—the travelers most likely to use travel agencies—those airlines continue to be dependent on travel agencies for the largest share of their revenues and may have limited bargaining leverage against the systems, at least in the near future. The network airlines, moreover, tend to operate more complex hub-and-spoke route systems than the low-fare airlines, and that complexity limits their ability to obtain direct sales, unlike airlines such as Southwest that primarily operate point-to-point services. It may be that the network airlines would be more successful if they adopted the same business strategy as the low-fare airlines. They have not done so, however, and presumably could not do so without significant expense. American Comments at 17–21; 67 FR 69379. As a result, these airlines rely on travel agencies for the majority of their revenues. Our determination of the relevant market must rely on the choices actually made by airlines and consumers, not on the choices that some think they should make. *Cf. U.S.-U.K. Alliance Case*, Order 2002–1–12 (January 25, 2002) at 42–43.

We recognize that airlines have been shifting some bookings away from the travel agency channel to their own websites. This shift has been much stronger for low-fare airlines than for the large network airlines. Despite these efforts, some believe that the Internet is unlikely to produce more than 40 percent of airline revenues by 2005. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 23–24. Airlines have also taken steps to encourage travel agencies to bypass the systems. For example, American has an arrangement with American Express that enables that travel agency to make bookings directly with American. Amadeus Comments at 12–13. The record does not indicate that direct booking arrangements will substantially reduce the agencies' use of the systems for airline bookings any time in the near future. As shown, the larger airlines still obtain the large majority of their revenues from bookings made through the systems.

Several commenters contend that travelers can use alternative distribution channels and are not locked into the travel agency channel, or, alternatively, can switch between travel agencies if one agency uses a system that provides inferior service. *See*, *e.g.*, Sabre Comments at 59–65. We agree that consumers can choose where to book and need not book through a travel agency if they do not wish to, and that many consumers can easily switch between travel agencies. At least for corporate customers, however, changing agencies will impose some switching costs. Justice Department Reply Comments at 16, n.19. Airlines do not enjoy such choices. If a substantial number of travelers choose to use travel agencies, as they do, and if those travel agencies, with few exceptions, use only one system and do not readily make bookings outside the system, as is true, then each airline must participate in each system used by a significant number of travel agencies in order to avoid losing bookings from those agencies. As we stated in the notice, 67 FR 69378:

> The existence of one distribution channel that is attractive to a significant and growing number of travelers does not make that channel competitive with another channel that a larger if shrinking share of travelers finds preferable. With a very few exceptions, any airline that uses only one channel will not obtain the business of those travelers that prefer the other channel.

See also American Comments at 16–17 and Dorman Declaration at 5. While the airlines' customers have alternatives, that does not make irrelevant the question of whether systems have market power over airlines. *Cf. United States* v. *Visa U.S.A., Inc.*, 344 F.3d 229, 239 (2d Cir., 2003); *In Re Visa Check/Mastermoney Antitrust Litigation,* E.D.N.Y. No. 96–CV–5238, April 1, 2003, Memorandum and Order at 5.

Some arguments made by the commenters opposing our preliminary analysis mischaracterize our reasoning. Sabre wrongly alleges that we concluded that systems have market power over travel agencies. Sabre Comments at 59, 71, 84. Nothing could be further from the truth. We expressly found that systems compete vigorously for travel agency subscribers, 67 FR 69371, 69405, and nowhere did we state that systems have market power over travel agencies. Sabre additionally misstates our analysis by asserting that we found that travel agencies control their customers. Sabre Comments at 59, 63.

Sabre has failed to show that the relevant market is not each system, but the broader market of providing travel information to consumers, or airline ticket distribution, a market in which each system's share would be relatively small. Sabre Comments at 57–59, 79. As a practical matter, airlines wishing to electronically provide information and booking capabilities to travel agencies currently have no effective substitute for participation in each system. Similarly, because travel agencies do not use multiple systems, Sabre's observation that no system has even a 50 percent share of the CRS business, Sabre Comments at 81, is irrelevant. Each system is a separate market insofar as airlines are concerned. Furthermore, each system has a dominant share of the CRS business at cities where its former airline owners were the dominant airlines. Justice Department Reply Comments at 22.

4. The Systems' Market Power Over Airlines

Because readopting CRS rules to block anti-competitive behavior will require a finding that the systems have market power over most airlines, we must determine whether they do have such power. If systems have market power over airlines, they will be able to charge them prices that exceed competitive levels, and the resulting costs will be passed on to consumers, even if many or most consumers can choose between different distribution channels when buying airline tickets.

We are following the definition of market power applied by the Supreme Court in antitrust cases. In *Eastman Kodak Co.* v. *Image Technical Services*, 504 U.S. 451 (1992), the Court stated that market power is the power ''to force a purchaser to do something that he would not do in a competitive market,'' 504 U.S. at 464, quoting *Jefferson Parish Hospital* v. *Hyde*, 466 U.S. 2, 14 (1984), and ''the ability of a single seller to raise price and restrict output,'' 504 U.S. at 464, quoting *Fortner Enterprises, Inc.* v. *United States Steel Corp.*, 394 U.S. 495, 503 (1969). The courts have similarly stated that a firm is a monopolist ''if it can profitably raise prices substantially above the competitive level.'' *United States* v. *Microsoft Corp.*, 253 F.3d at 51.

Our notice of proposed rulemaking stated our belief that each system still

has market power over most airlines. We noted in that regard that some airlines that had otherwise supported the elimination of most or all of the rules still conceded that the systems have market power. Northwest had thus stated, as quoted by us at 67 FR 69378:

> Sales to consumers made over the Internet, via both airline websites and online agents, have provided significant new competition to CRSs, but each CRS typically remains the only means by which to reach the travel agents who use that system. Each CRS therefore continues to have significant market power based on the travel agents to which it has exclusive access.

First, until now an airline or other firm could not practicably create competitive alternatives for the systems. Among other things, building a new system would be costly and time-consuming, and the great majority of travel agencies already had contracts to use an existing system. 67 FR 69381. Entry into the business has become easier, as argued by Sabre. Sabre Comments at 52–85. However, because travel agencies generally rely entirely or predominantly on one system for information and bookings on airline services, new entry is unlikely in the near term to eliminate the systems' existing market power.

Secondly, airlines have generally been unable to persuade travel agencies to use one system rather than another. If they could, they would have some bargaining leverage against the systems. Airlines could then shift business to systems offering better terms for airline participants and away from systems offering poorer terms. Because travel agencies do not pay booking fees, they have no direct incentive to use the system charging the lowest fees. The record suggests, in fact, that the incentive payment programs used by the systems encourage travel agencies to choose the system that is the most expensive for participating airlines. The systems then obtain subscribers typically by offering to give them bonus payments. The revenues used for those incentive payments come from the fees paid by participating airlines (and to a smaller extent by other travel suppliers). *See, e.g.*, American Reply Comments, Dorman Declaration at 2–4.

Airlines have had no effective incentives that they can offer travel agencies to encourage the use of one system rather than another, except in local markets where a dominant airline can influence travel agency choices by denying access to its corporate discount fares and marketing benefits to travel agencies that do not use its preferred system. As discussed in our notice of proposed rulemaking, airlines that dominate an area's airline markets, like Delta at Atlanta and American in southern Florida, can influence local travel agencies to use the airline's preferred system, because those travel agencies cannot easily succeed without the ability to sell the corporate discount fares offered by the area's major airline. 67 FR 69381.

Airlines have developed programs to encourage travel agents to agree to terms that offset some CRS costs, or to bypass the systems, but those programs do not yet seem to have had great success. American's ''Everyfare'' program gave travel agencies access to American's webfares if they agreed to assume the airline's booking fee liability. Amadeus Comments at 10–13. Northwest and other airlines have created websites designed for travel agent bookings. Sabre Supp. Reply at 2.

We recognize that airlines have been gaining bargaining leverage against the systems, a factor that caused us to propose the elimination of the mandatory participation rule and the rule barring discriminatory booking fees. Nonetheless, the systems currently have significantly greater leverage. An airline's greatest leverage for obtaining lower fees or better terms for participation will be a threat to withdraw from the system. If an airline withdraws, however, it will immediately begin losing bookings from that system, and those losses will not be entirely offset by increased bookings through the Internet. Any saving in CRS participation expenses will arrive later, and will not quickly offset the revenues lost from the reduction in bookings. Booking fees, after all, equal about two percent of the revenues obtained by an airline from sales made through a system. Orbitz Comments at 10, n.4. *Cf.* Amadeus Comments at 18–19.

It is true that an airline's withdrawal from a system will make that system less attractive to travel agencies, and over time the system will lose subscribers. Because the average travel agency contract has a term of three years, however, only a relatively small portion of the system's subscribers will have the ability to switch to another system in the short term.

Thus the airline's revenue losses from withdrawal will be substantial and begin occurring immediately, while the system's losses in subscribers will be gradual and occur only over a period of some months. In these circumstances, the system should have the upper hand in bargaining. *See, e.g.*, Orbitz Comments at 10.

An airline could also put pressure on the system by attempting to reduce the number of tickets sold through the system without withdrawing completely. One possibility would be to increase their efforts to encourage travelers to book directly with the airline. These lost sales would lower the systems' revenues, but may also increase the airline's distribution costs.

An airline could put pressure on the system by lowering its participation level, because doing so would make the system less attractive to travel agencies that frequently book the airline without drastically reducing the airline's bookings from that system's subscribers. The lower level of participation would make it somewhat harder for travel agents to obtain information and reliably make bookings, and could block travel agents from conducting functions that are important to their customers. These functionality differences would not lead to a loss of as many bookings as would withdrawal but presumably would still result in lower revenues from the travel agents using that system. On the other hand, the lower level of participation would have less impact on the system's ability to market itself to travel agencies in the future. We expect that airline changes in participation levels will give airlines bargaining leverage.

Our notice of proposed rulemaking predicted that the airlines' control over access to their webfares could enable them to obtain better terms for system participation. 67 FR 69381. As discussed above, Sabre and Galileo have begun programs that give airlines a discount from the standard booking fee levels in exchange for a commitment to provide all publicly-available fares, including webfares. The commenters disagree over the implications of these programs. Some commenters assert that airlines have gotten little in exchange for the commitments required of them. *See, e.g.*, American Reply Comments at 21–23. America West states that Orbitz has offered substantially larger fee reductions for airlines that agree to its most-favored-nation clause. America West Reply to Supp. Comments at 2–3. Other commenters contend that the programs demonstrate that airlines have bargaining power and that the systems do not have market power. *See, e.g.*, Sabre Reply Comments, Salop & Woodbury Declaration at 15–16.

We believe that the airlines' ability to change their participation levels and their control over access to webfares is reducing the systems' market power. Overall, however, we find that the systems currently still have market power over most airlines, although the continuing changes in airline distribution, particularly the growing importance of the Internet for airlines,

travel agents, and travelers, should continue to erode the systems' market power. Our finding that the systems have market power is consistent with the Justice Department's conclusions. Justice Department Reply Comments at 2, 16–17.

We disagree with Sabre's contention, first made in its reply comments, that the airlines' contracts with corporate customers keep systems from having market power. Sabre asserts that system practices cannot significantly affect airlines, because ''much business travel'' involves fares directly negotiated with specific airlines, often booked through direct links. Sabre Reply Comments at 36; Sabre Reply Comments, Salop & Woodbury Declaration at 7–9. Airlines obtain substantial amount of business from corporate customers that do not have such contracts, and the contracts do not normally bar employees from traveling on alternative airlines.

We have based our finding of market power on the industry's structural characteristics, not on an analysis of whether the systems' fees are at supracompetitive levels. The best evidence of a firm's monopoly power would be a showing that it has been able to profitably charge prices that significantly exceed competitive levels. Because direct evidence of this ability is usually not available in Sherman Act monopolization cases, the courts usually rely on market structure evidence to determine whether a firm has monopoly power. *United States* v. *Microsoft Corp.*, 253 F.3d at 51. We have taken the same approach here.

When we last compared the systems' prices with their costs, we concluded that the larger systems at least were charging supracompetitive prices. *See* 56 FR 12586, 12595 (March 26, 1991). We have not done such an analysis since then, as we noted in our notice, but stated our belief that the systems' booking fees were probably above competitive levels, because they were not disciplined by market forces. 67 FR 69382. t with our findings that the systems must compete for travel agency subscribers but do not compete for airline participants.

The airline commenters generally support our finding that booking fees are not disciplined by competition and contend that the fees substantially exceed competitive levels. They point out, for example, that the network airlines' financial crisis since 2001 has enabled them to drive down costs from other suppliers while the systems have been raising their fees and reporting large profits. *See, e.g.*, America West Comments at 7–9.

In response, the systems have denied that their fees are not disciplined by competition, and they argue that the fees are reasonable. They contend that their costs have been rising due to increased functionality provided airlines and the growing number of messages carried by their communications links. *See, e.g.*, Galileo Comments at 38–39. While the systems thus contend that several important cost factors have increased significantly in recent years, they have not submitted a detailed cost analysis that would show that their booking fees do not significantly exceed their costs, nor have they attempted to demonstrate that the booking fees charged before the beginning of the cited cost increases did not significantly exceed their costs.

We continue to believe that the systems' fees exceed competitive levels for the reasons set forth in the notice of proposed rulemaking. We have not seen evidence that the systems' fees generally respond to market forces, although two of the four systems have made modest concessions in exchange for access to airline webfares. However, we have not done an analysis of the systems' costs and revenues that would demonstrate that their fees exceed competitive levels. As explained above, a finding that the fees are at supracompetitive levels is not necessary for our determination that the systems have market power over airlines.

We also cannot accept Sabre's claim that bookings made through a system are relatively inexpensive for airlines while bookings made through airline websites are not (and that bookings made through airline websites are more expensive than those made by an airline's reservations agents). Sabre Comments, Wilson Declaration at 22. Sabre's analysis is belied by the efforts of virtually every airline to shift bookings to its own website. Several low-fare airlines have claimed that their ability to obtain most of their revenues from direct sales gives them a great cost advantage over other airlines. *See* American Reply Comments at 32. *See also* 67 FR 69373, 69374. Sabre in any event has failed to demonstrate that its calculation is valid. American Reply Comments, Dorman Declaration at 8–9; United Reply Comments at 35, n.96; America West Reply Comments at 27. *See also* Northwest Reply Comments at 19–20.

5. The Potential for System Conduct Undermining Airline Competition

Our finding that each system has market power over airlines is not sufficient by itself to justify the adoption of rules. To adopt rules regulating the systems in order to prevent potential unfair methods of competition, we should have evidence that, if there were no regulations, systems would likely engage either in anti-competitive conduct designed to preserve their market power, a subject discussed below, or in conduct intended to distort airline competition. Any such conduct would harm consumers, either by causing airlines to pay supracompetitive prices for CRS services or by denying consumers the benefits of lower fares and better service created by competition between airlines.

When each system was owned and controlled by one or more airlines or airline affiliates, experience demonstrated that systems were likely to engage in conduct designed to prejudice the competitive position of rival airlines, for example, by biasing displays against the owner airlines' competitors and charging competing airlines discriminatorily high booking fees. *See* 56 FR 12589. None of the systems now operating in the United States, however, is owned by a U.S. airline. Obviously a system that is not owned or controlled by a U.S. airline will not have the same incentives to prejudice the competitive position of rival airlines. Justice Department Reply Comments at 13–14; Sabre Comments, Salop & Woodbury Declaration at 26–30 and McAfee & Hendricks Declaration at 53–59. We must therefore determine whether a non-airline system (a system not owned or controlled by an airline or airline affiliate) is likely to engage in unfair methods of competition.

We have found, as shown, that the systems have market power over airlines. To the extent that they do, their booking fees may exceed the fee levels that would exist in a competitive market, and the service offered airlines by the systems may be below the level of service that would exist in a competitive environment. The systems' possession of market power, however, by itself would not justify rules regulating their practices. The antitrust laws permit firms with monopoly power to use that power as long as they do not engage in conduct that is designed to maintain or extend that power. ''[M]erely possessing monopoly power is not itself an antitrust violation.'' *United States* v. *Microsoft Corp.*, 253 F.3d at 51. As explained below in our analysis of our authority under section 411, we may prohibit unfair methods of competition, which are practices that violate the antitrust laws or antitrust principles.

Our notice of proposed rulemaking stated our belief that there was a risk that non-airline systems would engage

in anti-competitive conduct in order to prejudice airline competition. Each of the non-airline systems still had ties with its former U.S. airline owners, and each of the non-airline systems was being marketed by one or more of its former owners. The record suggested, moreover, that marketing airlines took actions favoring a system even when doing so appeared to be contrary to their interests in selling their own tickets. We therefore proposed to apply the rules, to the extent they were readopted, to non-airline systems. 67 FR 69383.

The systems continue to have marketing relationships and other relationships with their former owner airlines. *See, e.g.*, Amadeus Comments at 25, n.24; Galileo Supp. Comments at 3. The lack of control by any U.S. airline will not eliminate the possibility that a system would agree with an airline to engage in conduct that would undermine the competitive position of the airline's rivals. Each system, after all, continues to have market power over most airlines, and each of the larger airlines dominates some local markets, primarily at its hubs. A system and such an airline might agree that the system would change its operations so as to benefit the airline while the airline would use its local dominance to strengthen the system's marketing efforts. Justice Department Reply Comments at 19.

The record suggests that the systems are willing to sell preferential treatment to airlines at least insofar as display bias is concerned. Their willingness to do so is apparent from their own comments, which argue that we should allow systems to sell bias. Amadeus Comments at 53–54; Sabre Comments at 141–142. The Justice Department believes that the systems are likely to engage in display bias. Justice Department Reply Comments at 19–21. *See also* American Antitrust Institute Comments at 8. Our notice cited evidence that display bias is sold to suppliers in other travel industries. 67 FR 69383. Although Amadeus has denied that it biases its displays for hotels and rental cars, Amadeus Reply Comments at 12, n.16, the other systems' comments do not address this issue.

Apart from bias, however, the record does not indicate that systems are likely to seek to operate in ways designed to prejudice airline competition. Our notice of proposed rulemaking expressly invited commenters to submit evidence on whether systems had sought to distort competition in other travel industries. 67 FR 69383. One speaker at our public hearing stated that he did not know of any system practices that distorted competition in other industries, Transcript at 85, and one commenter asserted that there is no evidence of competitive harm resulting from the systems' treatment of firms in other travel industries. Worldspan Reply at 17. *See also* Transcript at 116–117, 151–154. The record further suggests that the marketing relationships between systems and airlines currently give the marketing airline little incentive to help the system and that marketing airlines, in fact, do little to help the system being marketed. American Comments at 30; Large Agency Coalition Comments at 14–15; Large Agency Coalition Reply Comments at 16–17. This suggests that the ties between airlines and systems may have weakened enough so that systems would have little interest in taking action that undermined airline competition in order to favor one airline. The Justice Department additionally believes that contractual arrangements between airlines and systems do not pose a sufficient threat to competition to justify the adoption of general rules at this time. Justice Department Reply Comments at 1–2. *See also* Expedia Reply Comments at 3, n.1. We note, nonetheless, Amadeus' complaint that American, Delta, and Northwest have recently tied a travel agency's ability to sell corporate discount fares with the use of the system affiliated with the airline. Amadeus Comments at 91–92. However, this tying affects competition between the systems and does not necessarily show that systems will engage in conduct designed to distort airline competition.

Furthermore, we cannot predict at this point what kinds of relationships may arise as a result of the CRS industry's deregulation. We do not wish to adopt rules now when we do not know what types of potential anti-competitive practices, if any, may occur. We therefore do not agree with the arguments of some commenters that rules should be maintained on the ground that systems have continuing marketing and other special arrangements with selected airlines. *See, e.g.*, Galileo Comments at 7–11.

We fully agree with the Justice Department, however, that there is a potential for contractual relationships between systems and airlines that would be designed to reduce competition in either or both the CRS and airline industries. The Justice Department has stated its intent to take action against any such agreements that violate the antitrust laws, and we also have statutory authority to take appropriate action if such contractual relationships appear to be unfair methods of competition that violate section 411. Under 49 U.S.C. 41708, formerly section 407 of the Federal Aviation Act, we can obtain copies of any agreements between airlines and systems if we see a need to investigate contractual relationships between systems and participating airlines.

6. System Practices that Preserve Market Power

While we have determined that most of the rules should not be readopted, even though each system continues to have substantial market power over airlines, we are readopting for a short transition period the rule prohibiting parity clauses and adopting an analogous rule prohibiting most-favored-nation clauses demanded as a condition for any participation in a system. These types of contract clauses would tend to maintain the systems' market power and reduce the bargaining leverage of participating airlines. Because we are essentially deregulating the CRS business notwithstanding the systems' market power, we decided to adopt the parity and most-favored-nation clause prohibitions for a period long enough allow affected parties to respond to the transition to complete deregulation.

We originally adopted the rule prohibiting systems from enforcing parity clauses (except as to airlines that owned or marketed a competing system) because three of the systems had imposed parity clauses on airline participants. These clauses required each airline to participate in the system at at least as high a level as it participated in any other system. Thus, for example, Sabre's parity clause required Alaska to participate in Sabre at the full availability level as long as Alaska participated in any other system at that level, even if Alaska considered Sabre's service at that level too costly or not as attractive as the comparable service offered by other systems. 62 FR 59786–59787, 59791–59792. Because these parity clauses eliminated some possibility of system competition for airline participants, and required each airline to buy a level of service that an airline might not wish to buy, we adopted a rule prohibiting the systems from enforcing airline parity clauses except as to airline participants that owned or marketed a competing system. 62 FR 59784.

We have concluded that this rule should be readopted for another six months. We are also adopting for the same period an analogous rule that will prohibit each system from requiring airlines as a condition to any

participation in the system to make all publicly-available fares saleable through the system. If we did not provide for an orderly transition, a contract clause requiring a participating airline to provide all webfares as a condition to participation, sometimes referred to as a most-favored-nation clause, would deny the airline the ability to use its control over access to its webfares as bargaining leverage to obtain better terms and prices for system participation. Such a clause would additionally tend to prevent the development of alternative sources of information and booking channels, for a travel agency would have less incentive to use alternatives if the system used by the agency already provided complete information on webfares. It is our expectation that the six-month period during which our prohibition on such clauses will remain in place will enable airlines to prepare more effectively for the termination of these rules.

On the other hand, we have decided not to readopt rules designed to prohibit system contract practices that would unreasonably restrict travel agency subscribers from switching systems or using alternative systems or booking channels. In the past, the systems engaged in subscriber contract practices that appeared to be designed to preserve their market power. Travel agencies accepted such contract clauses even though most travel agencies could choose between systems. 67 FR 69405. We therefore adopted rules barring subscriber contracts from having a term that exceeded five years and giving travel agencies the right to use their own third-party equipment and software in conjunction with a system.

As discussed above, the record shows that travel agencies in recent years have been obtaining more flexible contracts from the systems. The term of the average subscriber contract, for example, is well under five years. While most subscriber contracts still have productivity pricing clauses, the productivity pricing clauses in the contracts currently offered travel agencies do not seem to effectively block travel agents from using alternative booking channels. And travel agencies appear to have a substantial ability to switch systems at the end of their contract term. While systems may have some contracts that may be unreasonably restrictive, their contracts in general do not seem to block travel agents from obtaining information and making bookings outside the system. Moreover, the market is moving in a more competitive direction—travel agencies are obtaining more flexibility, not less, in their newest contracts.

As a result, the current record shows that rules regulating travel agency contracts are no longer necessary. Several airline commenters and Orbitz have argued that we should continue to regulate the systems' subscriber contract practices, because the existing contracts are alleged to unreasonably lock travel agencies into using their existing system. *See, e.g.*, Orbitz Comments at 46–49; America West Comments at 26–29; American Comments at 33–35; Continental Comments at 17–20; Delta Comments at 41–42. For the reasons discussed below in connection with the specific subscriber contract issues, the systems' current contracts do not appear to unreasonably keep travel agencies from using alternative booking channels.

7. The Systems' Ability To Engage in Display Bias

Display bias has been a concern since the systems were first developed. Experience has demonstrated that travel agents are likely to book one of the first services displayed by a system in response to a travel agent's request for information, even if services shown later in the display would better satisfy the customer's needs. If systems give preferential display positions to one airline's services, that display bias will harm airline competition and cause consumers to be misled. 57 FR 43801–43802, 43807–43808.

Our rules have prohibited systems from biasing their displays in order to prevent unfair methods of competition and deceptive practices. Display bias both prejudices airline competition, by reducing the airlines' ability to compete on the basis of the relative attractiveness of their schedules and fares, and causes travel agents to give misleading or incomplete advice to their customers.

Display bias is possible because of the way in which the systems present information on airline service options. The systems display information on computer screens. Each screen can display only a limited number of flights, so a system must use criteria for ranking the available flights. Display position is important, because travel agents are more likely to book the flights that are displayed first. The number of airline services available in most markets also requires the systems to edit their displays, because many services will be unattractive to travelers (Los Angeles-San Francisco travelers, for example, will not choose connecting services over Denver or Salt Lake City). Systems display airline services in several different ways. The display traditionally used by travel agencies ranks flights in a market on the basis of the criteria developed by the system and shows whether seats are available on the listed flights. Some systems rank flights in this type of display by listing all nonstop flights first, then one-stop flights and other direct flights, and finally connecting services. Others have ranked flights on the basis of relative quality, such as each flight's elapsed time or its displacement time (the time difference between the departure time requested by the traveler and the time of each flight). 67 FR 69370.

Every system also has a display that ranks flights on the basis of price, with the lowest being listed first. Travel agents use that display for customers whose major concern is finding the lowest fare. 67 FR 69370.

We have concluded that we should continue to prohibit display bias, both to prevent anti-competitive conduct, as recommended by the Justice Department, and to prevent consumer deception, but only for an additional six months. Were the rule terminated immediately, systems would likely be in a position to bias displays, as discussed above. Display bias could cause consumer harm by reducing airline competition and by causing travel agents to book customers at times on flights that do not best meet the traveler's needs.

Display bias can mislead travel agents (and thus their customers), because by definition it means ranking and editing airline services on some basis other than neutral criteria based on general consumer preferences. Before the Board adopted the rules on display bias, when each system was owned by one airline, systems constructed displays that put their competitors at a disadvantage by omitting services and fares offered by competing airlines that would be attractive to many consumers. Each system often listed flights operated by its owner airline above flights operated by competitors that better met the customer's travel requirements. 56 FR 12589. We later found it necessary to revise our rules on display bias because Apollo, Galileo's predecessor, created displays that essentially gave the connecting services operated by network airlines a preference over one-stop flights operated by point-to-point airlines. For example, Apollo could display an Alaska one-stop flight in the Seattle-Burbank market well after connecting services that left Seattle as much as an hour before the Alaska flight and that arrived in Burbank after the Alaska flight had landed. Apollo similarly displayed an Alaska one-stop Orange County-Seattle flight after connecting services that took substantially longer and that involved

connections at Salt Lake City or Phoenix. 61 FR 42208, 42212–42213 (August 14, 1996). Apollo at that time was owned by several airlines, not just by United, yet the owner airlines agreed to adopt a display that would benefit United while prejudicing the travel agents' ability to find the best service for their customers. 61 FR 42209.

Display bias also can reduce competition. Bias can shift enough passengers from disfavored airlines to a favored airline to make the former's flights unprofitable in the targeted markets. That can cause a disfavored airline to reduce or eliminate its service in those markets. As we stated above in our discussion of the systems' market power over airlines, the profitability of an airline flight often depends on marginal revenues, so the shift of traffic that may result from display bias can have large competitive consequences. Justice Department Reply Comments at 20, n.26. The resulting reduction in capacity and potentially in the number of competitors will enable the favored airline to raise fares and reduce service. Justice Department Reply Comments at 7. For example, two of the airlines that complained about the Apollo display discussed above—Alaska and Midwest Express—were point-to-point airlines whose services fared worst in the Apollo display. Alaska estimated that the display would reduce its annual revenues by $15 million, and Midwest Express estimated that its annual revenue losses would equal several million dollars. 62 FR 63837, 63841 (December 3, 1997).

Experience thus shows that bias can be effective, notwithstanding the travel agents' interest in finding and booking the services that best meet their customers' needs. As noted, travel agents tend to book one of the first flights displayed by the system. Travel agency customers depend on their travel agent to extract information from the system display, which only the travel agent sees. Travel agents generally work under time pressure that often keeps them from searching through several display screens to overcome the bias. ASTA Comments at 41; AAA Comments at 2; Carlson Wagonlit Comments at 16; British Airways Coments at 2–3. The systems can also hide the extent of their bias. 49 FR 32540, 32547 (August 15, 1984). A system arguably could choose to omit some services altogether. For example, Priceline, an on-line seller of airline tickets, agreed with Delta that Priceline would not sell seats offered by Delta's competitors on flights to or from Atlanta, Delta's hub. Justice Department Reply Comments at 20, n.27, and 30, n.37. As a result, bias could keep consumers in many cases from obtaining accurate and complete information on schedules and fares from travel agents relying on a system for their information.

Display bias, moreover, provides no apparent consumer benefits. It does not function like advertising, because it provides no information. In fact display bias ''would divert passengers without regard to airlines' prices or quality.'' Justice Department Reply Comments at 19. Display bias is also unnecessary to help travel agents who, due to a customer's demands, are interested in seeing only services offered by one airline. The rules do not bar systems from enabling travel agents to create displays listing the services of a single airline. *See also* Galileo Comments at 61 (Galileo subscribers can create displays tailored to the preferences of their customers, including customer airline preferences).

When we readopted the rules against display bias at the conclusion of our last overall reexamination of the CRS rules, we addressed several theoretical arguments that assertedly showed that display bias was ''beneficent.'' Some commenters argued that a flight's display position would not affect travel agency bookings, that display bias reflected the preferences of a system's subscribers, and that other airlines could buy display bias. We found that these arguments were disproven by experience. 57 FR 43786–43787.

Several commenters have presented somewhat similar arguments here that bias would not work and that there is no reason to prohibit it. While these commenters may be correct in predicting that bias today would not be as effective as it was in the past, we are not convinced that systems could engage in display bias without causing consumer harm.

Systems clearly wish to be able to sell bias. That indicates that they believe airlines will be willing to buy bias, and obviously airlines will be willing to buy bias only if they expect it to be effective. Past experience with system efforts to bias displays suggests that their expectation is correct.

We question whether airlines injured by display bias can practicably take steps to offset it. In response to our example of the Galileo display that harmed Alaska's display position, Mercatus argues that Alaska could have either outbid United for the bias or cut its fares to attract additional passengers. Mercatus Comments at 10. While Alaska may have had the ability to take some steps to offset the effect of the bias, Mercatus has failed to show that those steps would have been practicable. Our concern, moreover, is not limited to the Galileo display's impact on competition. The display also caused travel agents and their customers to receive incomplete or misleading information on the available service options. The display was designed to cause travel agents to book customers on airlines like United even when Alaska provided significantly better service.

Travel agents use the Internet at times to search for alternatives to the services displayed by a system. In theory, as argued by some commenters, the Internet's availability as a check on the quality of displays offered by a system would deter a system from biasing its displays. *See, e.g.*, Transcript at 123–124. We have doubts, however, whether travel agents regularly use the Internet as a test of a system's displays. As shown, travel agents are commonly pressed for time, which is why bias works—travel agents often do not wish to take the time required to search several screens to find the best service for a customer. The many complaints from travel agents about the unavailability of webfares on the systems, and their assertions that almost no travel agency is interested in using more than one system due to the inefficiencies involved, is a further indication that travel agents making a booking for a customer are unlikely to search several sources of information before selecting a flight to recommend. Sabre's evidence is consistent with this conclusion. A 2001 survey indicated that only 11 percent of the travel agents with Internet access had booked airline tickets on the Internet, that 13 percent often used the Internet to check for lower fares, and that 23 percent occasionally used the Internet for that purpose. Sabre Comments, Salop & Woodbury Declaration at 12. We assume that the number of travel agents using the Internet to check for other services will grow significantly, but not by such an extent as to make display bias ineffective.

Travel agencies, moreover, cannot quickly shift to a different system if the system they are using biases its displays. While travel agencies have some ability to switch systems, many agencies would likely incur significant costs by switching from one system to another. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 81.

Any display bias by the systems would not be comparable to the practice of grocery stores selling preferential shelf positions to their suppliers. Unlike the grocery store shelf, which the shopper sees and can easily scan, the traveller never sees the system display

used by a travel agent, and systems can create display bias that obscures the service alternatives to a much greater extent than the shelf position used by grocery store suppliers. Airlines would be willing to buy bias because it would be effective, and its effectiveness means it is likely that a significant number of consumers will be booked on inferior services when other services would better meet their needs.

Delta contends that bias should not prevail if travel agencies really desire unbiased displays. Delta Reply Comments at 25. As noted, however, the systems assume they can sell display bias, and experience indicates that systems have some ability to hide the extent of the bias. Furthermore, the travel agents' interests are not our only concern—we wish to ensure that travel agency customers can obtain accurate information, and to prevent the harm to airline competition that could result if CRS display bias reappeared.

A travel agency customer's ability to go to another travel agency if one travel agency provides bad advice due to its use of a system that biases its displays would not prevent display bias from causing harm. The consumers' ability to switch travel agencies would deter bias if customers find out that better service was available and know that the travel agent booked the inferior service because the travel agent was using a system that provided inferior displays. That seems improbable. Customers instead are unlikely to know why the travel agent did not book the better service. Customers might assume that the better service was sold out, or that the better fare was not available when a customer's booking was made, as we concluded in our last major CRS rulemaking. 57 FR 43787. *See also* American Antitrust Institute Comments at 11. Furthermore, travelers with confidence in their ability to obtain accurate fare information on the Internet would be less likely to use a travel agent to book their tickets.

While we conclude that systems are likely to bias displays in the absence of rules prohibiting such bias, we believe that on-going developments are likely to reduce the systems' market power over airlines over time. We further expect that these developments will enable travel agents and their customers to easily use alternative sources of information to an extent that should deter the kind of display bias that would significantly mislead travel agents and consumers. Accordingly, we have decided to retain the prohibition against display bias only for a transitional period of six months, with a termination date of July 31, 2004. Our expectation is that the notice provided by this transition period will help to accelerate developments in the market that reduce the harm display bias might otherwise engender.

F. The Department's Statutory Authority To Regulate CRS Practices

Having concluded on economic policy grounds that some rules will remain necessary for the next six months, and that the remaining rules should cover all systems, not just those owned by airlines, we must address our statutory authority to adopt the rules and make them applicable to both airline and non-airline systems.

The basis for our adoption of CRS rules has been our authority under section 411 of the Federal Aviation Act, recodified as 49 U.S.C. 41712, to prohibit unfair and deceptive practices and unfair methods of competition by airlines and ticket agents in air transportation and the sale of air transportation. Section 411 states, ''[T]he Secretary may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation.'' If the Secretary ''finds that an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice or unfair method of competition, the Secretary shall order the air carrier, foreign air carrier, or ticket agent to stop the practice or method.'' Congress modelled our authority under section 411 on the Federal Trade Commission's authority under section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, to prohibit unfair and deceptive practices and unfair methods of competition in other industries. *United Air Lines*, 766 F.2d 1107, 1111–1112 (7th Cir. 1985). In enforcing section 411, we must consider the public interest factors set forth in 49 U.S.C. 40101. 68 FR 3293, 3294 (January 23, 2003). Because section 411 limits our authority to practices affecting airline distribution, we may not regulate the systems' treatment of other travel suppliers, such as hotels, rental cars, and Amtrak. 67 FR 69389.

As noted, section 411 covers airlines (both U.S. and foreign) and ''ticket agents.'' The statute defines a ticket agent as ''a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.'' 49 U.S.C. 40102(a)(40).

The courts have construed the meaning of deceptive practices and unfair methods of competition. A deceptive practice is one that will tend to deceive a significant number of consumers. *United Air Lines*, 766 F.2d at 1113. An unfair method of competition is a practice that violates antitrust laws or antitrust principles. We may therefore prohibit some airline conduct permitted by the antitrust laws. *See, e.g., Pan American World Airways* v. *United States*, 371 U.S. 296, 306–308 (1963); *United Air Lines*, 766 F.2d at 1114.

When several airlines sought judicial review of the original CRS rules, the Seventh Circuit affirmed the Board's adoption of the rules on the ground that section 411 authorized the Board to prohibit anti-competitive conduct even though the systems' conduct might not violate the antitrust laws. *United Air Lines* v. *CAB*, 766 F.2d 1107. The Board's underlying findings were very similar to those used in our past rulemakings. The Court stated that the Board's finding that some of the systems had substantial market power was sufficient to authorize the Board's regulation of CRS practices: that finding ''would bring their competitive practices within the broad reach of section 411,'' for the Board ''can forbid anticompetitive practices before they become serious enough to violate the Sherman Act.'' The Court reasoned that the types of conduct prohibited by the Board on antitrust grounds—price discrimination and denying a competitor access to an essential facility on equal terms—were ''traditional methods of illegal monopolization'' that the Board could prohibit, even though no system had a monopoly under Sherman Act standards. *United Air Lines*, 766 F.2d at 1114. In determining whether the Board properly held that display bias was a deceptive practice, the Court viewed the test as whether the practice would tend to deceive a significant number of consumers. 766 F.2d at 1113.

While Section 411 allows us to prohibit some conduct that is not prohibited by the antitrust laws, it does not give us broad authority to regulate practices in the airline and airline distribution businesses. Airlines are generally free to determine how to distribute and sell their services, including sales through travel agencies, as long as they do not violate antitrust principles. The antitrust laws allow individual firms to choose how to distribute their products and services as long as they do not violate one of the provisions of those laws. 67 FR 69384, citing *Paschall* v. *Kansas City Star Co.*,

727 F.2d 692 (8th Cir. 1984) (en banc); and *Auburn News Co.* v. *Providence Journal Co.*, 659 F.2d 273, 278 (1st Cir. 1981).

Similarly, the courts have held that the FTC's comparable authority to prohibit unfair methods of competition in other industries does not empower that agency to regulate business conduct in order to make an industry more competitive. In *E.I. DuPont de Nemours & Co.* v. *FTC*, 729 F.2d 128, 140 (2d Cir. 1984), the Second Circuit stated, ''[I]n the absence of proof of a violation of the antitrust laws or evidence of collusive, coercive, predatory, or exclusionary conduct, business practices are not 'unfair' in violation of section 5 unless those practices either have an anticompetitive purpose or cannot be supported by an independent legitimate reason.'' In *DuPont* the court therefore vacated an FTC order prohibiting certain types of pricing conduct in an oligopolistic industry, which the FTC had prohibited in the belief that the industry's pricing would then become more competitive. The FTC had not found that the pricing conduct at issue violated the letter or the spirit of the antitrust laws or was otherwise ''collusive, coercive, predatory, or exclusionary.'' *See also Official Airline Guides, Inc.* v. *FTC*, 630 F.2d 920 (2d Cir. 1980); *Boise Cascade Corp.* v. *FTC*, 637 F.2d 573 (9th Cir. 1980).

Our decision that most of the existing rules should be allowed to sunset follows from our conclusions that those rules are no longer necessary. That decision also reflects the limits placed by Congress on our authority to regulate airline distribution practices. As a result of Congress' decision to deregulate the airline industry, we may not require firms in the airline distribution business to change their practices without finding that those practices will violate section 411.

We based our proposal to readopt rules proscribing display bias on both our authority to prohibit deceptive practices and our authority to prohibit unfair methods of competition. No one has contested our authority to regulate the systems' display practices under our authority to prohibit deceptive practices, if the systems are ticket agents and our regulations are consistent with the First Amendment (several commenters dispute these assumptions). The argument over our authority to readopt the proposed rules involves both of our tentative conclusions that the statutory definition of ticket agents includes the systems and that system practices at issue could be unfair methods of competition. We address these issues in detail below.

In our notice of proposed rulemaking, we observed that section 411 also authorizes us to prohibit unfair practices by airlines and ticket agents, not just deceptive practices and unfair methods of competition, but that we had not relied on that authority as a basis for readopting CRS rules. 67 FR 69384. The FTC has advised us that the FTC has adopted a strict definition of ''unfair practices'' under the FTC Act and that Congress has since codified the Commission's definition. FTC Comments at 1–3. In its reply comments, America West briefly suggests that we should bar systems from charging supracompetitive booking fees on the ground that such fees violate public policy. America West Reply Comments at 16, n.30. We are unwilling to adopt America West's suggestion. We have not previously based the CRS rules on our authority to prohibit unfair practices, and we do not now intend to rely on that authority, when our notice did not propose to do so and other commenters have not had the opportunity to comment on America West's suggestion.

1. Whether Non-Airline Systems Are Ticket Agents Subject to Section 411

The U.S. airlines' divestiture of their CRS ownership interests requires us to resolve whether we may directly regulate the systems under section 411, because we based our authority to regulate system practices in the past on the systems' airline ownership. Neither we nor the Board ever decided that issue in the earlier rulemakings. 67 FR 69385. We tentatively concluded in our notice of proposed rulemaking that the systems were ticket agents subject to section 411. After considering the comments on this issue, we conclude that we may directly regulate the systems under section 411, even though most of them no longer are controlled by airlines. However, we are also adopting a rule barring airlines from attempting to induce systems to create displays that would not comply with the standards established by our rule prohibiting systems from engaging in display bias.

A few commenters have suggested that we need not decide whether section 411 authorizes us to directly regulate the systems, because each of the existing systems has ties with its former airline owners. We decline this invitation to avoid the issue. Achieving all of our goals without directly regulating the systems would be difficult. Neither relying on the existence of marketing relationships between the systems and airlines nor barring airlines and travel agencies from doing business with systems that engage in unacceptable practices would provide a sound basis for regulating all of the systems' operations.

Section 411 authorizes us to regulate the systems directly if they are ''ticket agents'' within the meaning of our statute. As noted above, the statute defines a ticket agent as ''a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.'' 49 U.S.C. 40102(a)(40). Our notice of proposed rulemaking tentatively concluded that systems are ''ticket agents.'' 67 FR 69384–69385.

Sabre, Galileo, United, Expedia, Travelocity, and ASTA contend that systems are not ticket agents. Amadeus and America West, on the other hand, support our tentative conclusion that the systems are ticket agents subject to section 411.

After considering the comments, we conclude that the systems are ticket agents and that we may therefore prohibit them from engaging in unfair and deceptive practices and unfair methods of competition in the sale of air transportation.

As we explained in the notice, the systems are active participants in the sale of air transportation, not just communications links. 67 FR 69384–69385. The systems enable travel agents to conduct booking transactions, require airlines to accept any bookings made by a travel agent through the system, make credit card authorizations, and issue tickets. They charge airlines fees based on booking transactions. A system operates a central computer that collects information on airline schedules and fares and the availability of seats, arranges that information under its own editing and ranking criteria in displays that are provided to travel agents, and provides a booking capability enabling travel agents to make airline reservations for their customers. The systems also require airlines to allow any system user to make bookings on the airline through the system. *See, e.g.*, Amadeus Reply at 34–35; America West Reply Comments at 7–8. When the booking is made through the system, either through its own central computer or by a direct connection feature in a participating airline's internal reservations system, the travel agent's purchase is complete.

The systems' contracts with participating airlines reflect their function as an integral part of the distribution of airline tickets, not just as a communications link. America West's contracts with Sabre and Worldspan

thus state respectively that the parties ''desire to enter an agreement concerning the booking of reservations [and] the sale of the Participating Carrier's air services through SABRE'' and ''[t]he parties desire to enter into an agreement and provide for the distribution of the services of Participating Carrier through the WORLDSPAN system.'' America West Comments at 13, 14.

In our view, the systems thus sell, offer for sale, and arrange for air transportation, activities which bring them within the statutory definition of ticket agent, because they are also carrying out these functions as a principal or agent.

The statutory definition of ''ticket agent'' states that anyone carrying out the listed functions as ''principal or agent'' is a ticket agent. This definition should cover everyone involved in selling, offering for sale, or arranging for air transportation no matter what status they may have under agency law principles. A person involved in the sale or offering for sale of airline tickets must be either a principal or agent. We do not see any third category of actor that would be applicable here, and the commenters arguing that the systems are not ticket agents do not contend that they are acting in some capacity other than principal or agent. We think Congress included the phrase ''as principal or agent'' to ensure that all persons conducting the listed functions were covered, whether or not they were acting as an airline's agent, acting under their own authority, or acting under someone else's authority. By using the terms ''principal or agent,'' Congress did not mean to make a person's status as ticket agent depend on whether that person was a party to an agency relationship. Congress surely meant to make section 411 applicable to persons who committed unfair methods of competition or unfair or deceptive practices while engaged in the sale or offering for sale of transportation, even if that person acted entirely independently.

We believe that the systems operate as principals in the offering for sale and arranging for air transportation. The systems act as independent firms that are involved in the distribution of airline services. The commenters arguing that systems cannot be ticket agents largely ignore the statute's inclusion of persons who act as principal and assume that a showing that a system is not an agent necessarily means it cannot be a ticket agent. *See, e.g.*, United Reply at 10–12. This implicitly assumes that the principal in the transaction must be the carrier. The statute, however, states that a ticket agent is ''a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as principal or agent'' performs one of the listed functions, such as the sale of air transportation. Congress thus determined that other persons participating in the distribution process, not just the airline, could be principals and would be ticket agents. The commenters' arguments that the systems cannot be agents suggests that they must be acting as principals.

The commenters opposing the systems' inclusion within the definition of ''ticket agent'' argue that the systems are not the airlines' agents. They contend that the systems' contracts with participating airlines specifically disclaim any agency relationship. *See, e.g.*, United Comments at 6–7. This argument misses the point—as shown, if the systems are not the airlines' agents, they must be acting as principals. To some extent, however, the systems may be operating as the airlines' agents, for example, in obtaining credit card authorizations for sales made through the systems. Amadeus Comments at 27. While the commenters arguing that systems are not ticket agents cite the systems' participating airline contracts, which state that no agency relationship is being created, the contracts' statements on the parties' relationships are not binding on us. *See, e.g., Board of Trade* v. *Hammond Elevator Co.*, 198 U.S. 424, 437–438 (1905); *State Police Ass'n of Massachusetts* v. *C.I.R.*, 125 F.3d 1, 7 (1st Cir. 1997).

Furthermore, we disagree with the argument made by some commenters that travel agents are the airlines' agents and that the systems, therefore, cannot be agents of the airlines. *See, e.g.*, Sabre Comments, Fahy Declaration at 21–22. This argument assumes that only one party in any each transaction can act as the airline's agent. We see no logical reason why only one party can act as an airline's agent in the course of a traveller's purchase of airline tickets.

The statute states that a person is a ticket agent if the person ''sells'' or ''offers for sale'' air transportation. The systems sell and offer for sale air transportation because they present the travel agent with air service options that the agent can purchase through the system. A system tells the travel agent what flights are being operated, what the fares are, and whether seats are available at each fare, and enables the travel agent to book the seat and pay for it on the customer's behalf by entering specified keystrokes. If the travel agent follows the proper procedures for making the booking, the airline is obligated by its contract to accept the booking as valid, whether or not any record of the transaction appears in the airline's internal reservations system. The system thus offers air transportation for sale and sells it.

We further find that each system ''holds itself out as selling, providing, or arranging for air transportation.'' As discussed, each system offers for sale and sells air transportation. A system also arranges for air transportation, because it enables the travel agent to choose the services best suited for the travel agent's customer and enables the agent to book whatever combination of services may be required by the customer. The system holds itself out as performing these functions, because it has informed its subscribers (and potential subscribers) that it offers these functions.

We do not agree with the contention made by some commenters that the systems may not be deemed as holding out the sale, provision, or arranging for air transportation, because no system deals directly with the public or holds itself out to the public as offering airline tickets for sale. *See, e.g.*, Sabre Reply Comments at 15. Travel agents, after all, act as the travelers' agent, not just as the airlines' agent, and any representations made to a travel agent are necessarily representations made to the travel agent's principal, the customer. The statute, moreover, does not state that the ticket agent must offer to sell air transportation directly to the public, and we see no reason why such a limitation should be read into the language of the statute.

We therefore conclude that each system is a ticket agent. Interpreting ''ticket agent'' as including the systems would enable us to apply section 411 to firms whose critical role in airline distribution enables them to substantially affect airline competition and the accuracy of information provided consumers.

At the same time, our reading of the term ''ticket agent'' will not make firms providing only information on airline services or communications links subject to section 411. As shown, the systems do much more than just provide information or a communications facility because they are active participants in the sale of air transportation. As we explained in the notice, when a consumer uses the telephone to buy goods and services, the telephone line links the consumer with the firm selling the product or service, and the consumer conducts the transaction directly with the retailer. In contrast, a travel agent using a system to make a booking communicates

exclusively with the system, not the airline, unless the travel agent uses a direct access feature that enables travel agents to obtain information and make bookings directly with an airline's internal reservations system. Furthermore, telephone companies do not choose which data will be sent to the listener, but the systems edit their displays of airline services. More importantly, a telephone company has no apparent interest in whether transactions conducted by telephone are honored by the parties. Each system, in contrast, requires airlines to accept bookings made through the system and imposes fees based on the number of transactions made by subscribers, not on the number of messages transmitted by them. Similarly, as described above, the systems' productivity pricing arrangements with subscribers award incentive payments (or impose penalties) based on the number of transactions made by the subscriber, not the number of messages, as discussed above.

The contentions made by the commenters arguing that systems are not ticket agents are not persuasive. On the ground that the large majority of CRS bookings are now made directly with an airline's internal reservations system, Sabre characterizes the systems as communications links. Sabre Comments, Fahy Declaration at 23. However, Sabre concedes that a significant fraction of its bookings are not made directly in an airline's internal system. Furthermore, the widespread use of direct access (referred to as seamless connectivity by Sabre) does not negate the systems' role as distributors of airline transportation, not mere communications links. The system, not just the airline's internal reservations system, creates a record of the booking transaction, the passenger name record. Sabre Comments, Fahy Declaration at 23. The system, moreover, created the display that enabled the travel agent to choose which flights to book.

Our notice of proposed rulemaking cited the passive booking capability offered travel agencies by the systems as an example showing that the systems were more than communications links. 67 FR 69385. In response, Sabre argues that a passive booking—a booking record stored in the system's computer but not sent to any airline's internal reservations system—cannot support our conclusion that systems are active participants in the distribution channel because passive bookings are ''not active.'' Sabre Comments at 28 and Fahy Declaration at 23. The systems'' creation of the passive booking functionality, however, demonstrates that they operate as more than just communications links. As Sabre states, a passive booking does not cause any communication to go to an airline's internal reservations system. The passive booking functionality, however, benefits many travel agents. Sabre Comments at 28. Travel agents can use the passive booking function to issue tickets for customers who booked their seats directly with the airline and to facilitate group bookings. 67 FR 69400. The systems created the functionality in order to assist their customers, the travel agencies, in their sale of airline services. This effort by the systems additionally confirms their role as active participants in the sale and offering for sale of air transportation.

Sabre further argues that the system contracts requiring participating airlines to accept all bookings made through a system do not show that the systems are active participants in the sale of air transportation. Sabre contends that the systems require airlines to accept all such bookings, even if they have no record of the transaction, as a result of travel agent demands and to avoid libel attacks. Sabre Comments at 27, n.29. Sabre has understated the importance of the systems' requirement. Firms operating as communications links, like a telephone or telegraph company, would not normally require the alleged recipient of a message to assume the obligation of complying with the message, whether or not the recipient actually received it. The requirement that airlines honor bookings made by subscribers demonstrates the systems' role as participants in the sales process.

Sabre additionally notes that the systems operate automatically as machines, unlike human travel agents, which assertedly shows that a system operates only to provide information and process transactions. Sabre Comments, Fahy Declaration at 22. We disagree. On-line travel agencies also operate automatically, except when a customer needs advice or has a problem, but surely no one would argue that an on-line travel agency is not a ticket agent because the great majority of its bookings are made on-line without human intervention. More importantly, the systems were not created by machines—they were developed by people, who also decide what services will be offered, how the systems will be marketed, and what kinds of contractual relationships they will have with their airline and travel agency customers, and who carry out these business strategies. The machines have not chosen the algorithms used to edit and rank air services, and they do not determine the types of restrictions, if any, included in the systems' contracts with participating airlines and travel agencies.

We are aware of the statement made in *United Air Lines* v. *CAB* that suggests that section 411 does not authorize us to regulate the practices of non-airline systems. In the course of affirming the Board's rules, which by their terms covered only systems owned by airlines, the Court stated, ''[T]he Board's rules are limited to systems owned by airlines; it has no regulatory authority over the independent provider.'' 766 F.2d at 1110. Whether the Board could regulate a non-airline system was not an issue in that case. The Board rules did not cover any non-airline system, the parties in the judicial review proceeding were not arguing that the Board should have covered such systems (or urging the Court to hold that the Board could not regulate them), and the definition of ''ticket agent'' and the Board's authority to regulate such systems were not issues in the proceeding. The Court's statement thus is dictum and not binding on us.

In arguing that past judicial and administrative precedent otherwise shows that systems cannot be ticket agents, commenters cite other decisions which are not controlling. United, for example, cites *Official Airline Guides, Inc.* v. *FTC,* 630 F.2d 920, as allegedly setting limits to the scope of section 411. United Comments at 7, n.12. The decision actually addressed questions about the extent of the FTC's jurisdiction under section 5 of the FTC Act, not ours. Sabre cites *Foremost Int'l Tours* v. *Qantas Airways Enforcement Proceeding,* 79 CAB 86, 102 (1978), for the administrative law judge's statement that the ''Board has no jurisdiction over wholesale tour operators.'' Sabre Reply Comments at 22. The judge did not explain his conclusion but noted elsewhere that wholesale tour operators do not issue airline ticket stock (or deal with the public), and that a travel agent selling a tour sends the payment for the air transportation directly to the airline, not through the tour operator. 79 CAB at 100. The district court, moreover, had thought that wholesale tour operators were ticket agents. *Foremost Int'l Tours* v. *Qantas Airways,* 379 F. Supp. 88, 95 (D. Hawaii 1974), *aff'd,* 525 F.2d 281 (9th Cir. 1975). Because the systems, unlike wholesale tour operators, do issue tickets, the *Foremost* case is not dispositive.

Expedia also argues that Congress amended section 411 to cover ticket agents in order to prevent the fraudulent conduct by individuals ostensibly selling tickets, especially on behalf on nonscheduled airlines. Expedia Comments at 17, citing S. Rep. No. 82–1508 and H.R. Rep. No. 82–2420 (1952).

While it is true that Congress understood the need to prevent such conduct, the authority granted by the legislation enacted by Congress is broader than that. Our authority under section 411 is not limited by Congress' primary intent at the time of enactment, when the statutory language is not so narrow. *Consumer Electronics Ass'n* v. *FCC,* D.C. Cir. No. 02–1312 (decided October 28, 2003). *Cf. Independent Insurance Agents* v. *Ludwig,* 997 F.2d 958, 961 (DC Cir. 1993).

Thus section 411 authorizes us to regulate the systems as ticket agents when necessary to prevent unfair and deceptive practices and unfair methods of competition, despite the divestiture of their ownership interests by the U.S airlines that formerly controlled the systems. Determining whether a system's conduct would be unfair or deceptive would not be affected by a system's ownership. The lack of U.S. airline ownership, however, could be very relevant to the question of whether the practices barred by our rules would constitute unfair methods of competition. We discuss that question next.

2. Antitrust Principles Relevant to System Practices

A system or airline practice will be an unfair method of competition if it violates antitrust laws or antitrust principles. In our past rulemakings, we determined that the system practices barred or restricted by our rules would be unfair methods of competition, either because the practices unreasonably limited competition in the CRS business or because they represented an effort to reduce competition in the airline business. We relied on the systems' ownership and control by airlines and airline affiliates. Because the systems are no longer controlled by U.S. airlines, we must reexamine whether the practices barred by our rules would be unfair methods of competition.

Our notice of proposed rulemaking tentatively concluded that section 411 authorized us to readopt most of the existing rules, because we found that the practices prohibited by them could be unfair methods of competition, even though two of the four systems then had no airline owners. 67 FR 69385–69387.

Several of the commenters, especially Sabre and United, argue that the practices at issue could not be unfair methods of competition. They primarily argue that, even if the systems had market power in the CRS business over airlines, system practices that affected airline competition could not violate antitrust principles because the systems did not compete in the airline industry. United Reply Comments at 16–20; Sabre Comments at 41–45.

We are readopting only the rules prohibiting display bias and adopting certain rules prohibiting parity and most-favored-nations clauses in contracts between systems and participating airlines, if those clauses are a condition to participation in the system. The record does not provide a factual basis for finding that the other system practices at issue would be unfair methods of competition.

We may prohibit display bias under section 411 on the grounds that it would constitute an unfair and deceptive practice and an unfair method of competition. We have found that display bias is likely to mislead a significant number of consumers by causing their travel agents to book relatively inferior flights when other flights would better meet the travelers' needs. The Seventh Circuit upheld the Board's rules barring display bias on the basis of findings that display bias would tend to deceive a significant number of consumers. We have made the same finding here. We may therefore readopt rules barring display bias under our authority to prohibit unfair and deceptive practices.

Display bias could also constitute an unfair method of competition to the extent that the system biases displays in order to benefit one airline at the expense of competing airlines. Presumably a system would not bias its displays in favor of one airline at the expense of rival airlines unless the favored airline had given the system inducements to engage in display bias. In that event, the system and the favored airline would be engaged in a joint effort to distort competition in the airline industry, an effort that could succeed only because of the system's market power over the disfavored airlines.

Display bias does not promote competition on the merits. Instead, it is designed to suppress competition by causing consumers and their travel agents to select inferior airline services over other available services that would better suit their needs. As the Justice Department points out, display bias ''would divert passengers without regard to airlines'' prices or quality.'' Justice Department Reply Comments at 19. Display bias could deter entry or expansion by more efficient competitors and possibly cause competitors to exit some markets. *Id.* at 19–20.

Contracts that unreasonably restrict one party's ability to buy products or services from competitors of the other party (or unreasonably restrict competitors of one party from buying products or services offered by the other party to the contract) can be unlawful, if they significantly restrict competition without promoting efficiency. For example, the FTC held that a series of contracts between a major retailer and its suppliers that restricted each supplier's ability to sell their products to the retailer's competitors violated section 1 of the Sherman Act. *In the Matter of Toys ''R'' Us* (October 13, 1998), opinion at 86–87, *aff'd on other grounds, Toys ''R'' Us, Inc.* v. *FTC,* 221 F.3d 928 (7th Cir. 2000).

In some cases, the courts have suggested that contracts giving one party a competitive advantage by causing consumers to be misled may violate the Sherman Act. As one court stated, ''Competition would be harmed if consumers were routed to particular glass repair companies based on factors other than competitive pricing or quality in the marketplace.'' *Stewart Glass & Mirror, Inc.* v. *U.S.A. Glas, Inc.,* 940 F. Supp. 1026, 1035 (E.D. Tex. 1996). In *United States* v. *Microsoft Corp.,* the Court held that Microsoft had violated section 2 of the Sherman Act by providing software development tools to software companies writing Java programs without telling them that Java applications written with the Microsoft tools would work on the Windows operating system sold by Microsoft. Microsoft's intentional deception was unlawful, because it supported the maintenance of Windows' existing monopoly. 253 F.3d at 76–77.

While these cases involve different factual circumstances and were in part decided under section 2 of the Sherman Act, they support a conclusion that arrangements between a system and an airline to bias displays would constitute an unfair method of competition that violates section 411. Display bias would be designed to undermine the competitive position of the targeted airlines by misleading consumers and their travel agents about which airline services would best satisfy a consumer's preferences. Any such arrangements would be intended to handicap the ability of competing airlines to compete on the basis of price and service quality. As such, they would be comparable to the agreements condemned in *Toys ''R'' Us.* While the FTC based its decision on the existence of a series of agreements between the retailer and the supplier, we think that a bias agreement between one airline and one system would unreasonably restrict competition, because the system has market power over airlines in terms of access to the travel agencies subscribing to its services. In *Toys ''R'' Us,* on the other hand, the retailer, unlike the airline buying display bias, could not

undermine the competitive position of competing stores without obtaining agreements from a number of toy manufacturers.

Given the nature of airline markets, many of which are served by only a few airlines, display bias in some cases could facilitate an airline's acquisition of monopoly power in some such markets.

The other practices being prohibited by our rules are airline parity clauses and clauses requiring airlines as a condition to participation in a system to provide the system with all fares, including fares such as webfares that an airline would otherwise choose not to sell through the system. We are not prohibiting parity and most-favored-nation clauses that result from bargaining between a system and participating airlines, such as the clauses accepted by the airlines participating in the Sabre DCA and Galileo Momentum programs.

When we initially prohibited the enforcement of airline parity clauses, we found that such clauses constituted unfair methods of competition, because they unreasonably restricted airline choices on participation levels in different systems and were analogous to unlawful tying. 62 FR 59793–59797. As we said then, and as is still true, parity clauses imposed by a system may violate antitrust principles, because such parity clauses will maintain a system's market power. By denying an airline any opportunity to choose different levels of participation in competing systems, a system's parity clause makes it more difficult for other firms to enter the CRS business and undermines the airline's ability to offer higher-level information and booking capabilities to travel agencies through direct connections. 62 FR 59796. Parity clauses may also constitute an anti-competitive tying of services. A parity clause imposed on participating airlines represents a system's use of its market power to compel airlines to purchase services they may not want as a condition to obtaining any service. We therefore reaffirm our past finding that parity clauses may represent unlawful tying. 62 FR 59795–59796. Our conclusion is supported by the recent decision in the Visa/MasterMoney case, where the court's ruling largely denying various cross motions for summary judgment held that contract clauses imposed by the two credit card companies requiring stores to accept debit cards as a condition to obtaining authorization to make credit card sales could be an unlawful tie. *In Re Visa Check/MasterMoney Antitrust Litigation,* E.D.N.Y. No. 96–CV–5238, April 1, 2003, Memorandum and Order.

System clauses requiring participating airlines to provide all fares as a condition to participation may similarly constitute unfair methods of competition, because they unreasonably limit each airline's ability to choose how to market its services. That would buttress the systems' market power, by eliminating the potential development and use of alternative information sources and booking channels by travel agents who want to book webfares. The Justice Department thus states that such clauses ''may reinforce CRS market power over airlines, particularly if they discourage the development of alternative distribution channels.'' Justice Department Reply Comments at 26. Such clauses, moreover, would eliminate the airlines' ability to use their control over access to webfares as bargaining leverage to obtain better prices and terms for participation from the systems. The airlines' control over access to webfares has caused Sabre and Galileo to offer lower booking fees to airlines that agree to provide them with all such fares. A system's contract clause requiring an airline to provide access to all fares as a condition to any participation would also be analogous to an unlawful tying arrangement. The system would be denying access unless the airline agreed to make all fares available, even though airlines have typically chosen to make some types of fares, like webfares, available only through selected distribution channels.

Our decision not to readopt the remaining rules largely reflects our policy and economic judgment that those rules are unnecessary or unnecessarily restrictive. That decision also reflects the limits on our authority under section 411. We may adopt rules regulating system practices only if necessary to prevent practices that would violate the antitrust laws or antitrust principles or cause consumers to be misled.

While we are finding that each system has some market power over most airlines, that finding by itself does not authorize us to regulate system practices under section 411, even if a system's practices impose unduly high costs on participating airlines, as seems to be true with respect to booking fees. As the Justice Department points out, ''Supracompetitive fees, even when not used to target specific airlines, are inefficient and harm consumers by artificially raising the cost of air travel.'' Justice Department Reply Comments at 3. Nonetheless, a firm's possession of monopoly power in itself is not an antitrust law violation, even though the firm necessarily has the power to charge prices substantially above competitive levels. *United States* v. *Microsoft Corp.,* 253 F.3d at 51. *See also United States* v. *Colgate & Co.,* 250 U.S. 300, 307 (1919). If Congress finds that firms in an industry have market power and should be restrained from exercising that power, for example, by barring supracompetitive prices, Congress typically will establish a public utility-type regulatory structure. Congress has not done so with respect to the airline distribution business, and it determined 25 years ago that the comparable regulatory regime for the airline industry should be abolished. A monopolist will violate the antitrust laws only if it acquires or maintains, or attempts to acquire or maintain, monopoly power by engaging in exclusionary conduct that does not represent legitimate competition, such as the development of superior products or services. *United States* v. *Microsoft Corp.,* 253 F.3d at 58. Our authority to prohibit practices that violate antitrust principles, not just the antitrust laws, would not give us the power to generally regulate the conduct of a non-airline firm that is a monopolist, even if the firm's actions can significantly injure airline business operations, although we may prohibit practices by firms with market power that are designed to maintain that power if they do not provide efficiency benefits or represent legitimate competition.

America West nonetheless contends that section 411 authorizes us to regulate system practices even if we have no evidence that relationships between one or more airlines and a system will likely cause the system to take action to prejudice airline competition. According to America West, ''charging a supracompetitive booking fee is . . . an unfair method of competition in the sale of air transportation.'' America West Reply Comments at 16. America West provides no analysis showing how a system would be violating antitrust principles by charging supracompetitive prices. As shown above, the antitrust laws do not bar a firm from charging supracompetitive prices. America West's contention is inconsistent with the Federal Trade Commission's position that it would not consider practices by a monopolist to be unfair methods of competition if they affected a market in which the monopolist did not operate. FTC Reply Comments at 4.

On the ground that the primary purpose of section 411 is allegedly the prevention of consumer deception, Expedia argues that we cannot regulate the systems' practices in order to

prevent unfair methods of competition. Expedia Comments at 17–18. This claim runs counter to the language of section 411, which prohibits unfair methods of competition as well as unfair and deceptive practices. Furthermore, when Congress transferred the section 411 authority to us upon the Board's sunset, Congress specifically stated that it did so in order to maintain the authority to prevent anti-competitive conduct. Congress cited the Board's then pending CRS rulemaking as an example of regulatory action that should be maintained. H.R. Rep. No. 98–793, 98th Cong., 2d Sess. (1984) at 5.

When airlines controlled the systems, the systems were likely to engage in conduct that would violate section 411, and seemingly had done so before the Board adopted the initial CRS rules. Without airline control of the systems or other evidence of anti-competitive arrangements between systems and airlines, system practices that affect airline competition are not likely to violate antitrust laws or principles, except for display bias. The record does not indicate that the existing relationships between systems and their former owners, whether based on marketing agreements or otherwise, are likely to cause the systems to take actions that would distort airline competition. The commenters who urged us to readopt most of the rules, including the rule barring the systems from charging discriminatory booking fees, have failed to show that such rules must be adopted to prevent conduct likely to violate section 411.

Our notice of proposed rulemaking proposed an analysis that could enable us to make our rules applicable to the non-airline systems. Including the non-airline systems within the reach of the rules could be justified if the record indicated that systems would take actions intended to benefit the competitive position of some airlines at the expense of disfavored airlines. 67 FR 69387, citing, *inter alia, Official Airline Guides* v. *FTC;* 68 FR 12622 (March 17, 2003). The record, as noted, does not show that such conduct is likely to occur, except for bias. As a result, we need not decide now whether that tentative analysis is valid. We recognize that the FTC submitted comments stating that it no longer follows the cases cited by us. The FTC additionally recommended that we reexamine our analysis in light of the brief jointly filed by the FTC and the Justice Department in *Verizon Communications* v. *Law Offices of Curtis* v. *Trinko, LLP,* U.S. Sup. Ct. No. 02–682, which argued that neither the monopoly leveraging principle nor the essential facilities doctrine provided an independent basis for liability under section 2 of the Sherman Act. FTC Reply Comments at 4. In view of our decision that the record does not provide a basis for readopting most of the current rules, further discussion of these questions is unnecessary.

We find that the practices regulated by the rules that we are adopting here may violate section 411, because they may unreasonably reduce competition in the airline and airline distribution industries and are analogous to antitrust law violations.

3. First Amendment and International Law Issues

Our decision to readopt the rules against display bias and only a few of the other rules presents two other important legal issues, whether our regulations are consistent with the First Amendment, and whether our decision is consistent with the United States' obligations under its air services agreements with foreign countries that require the United States to prevent certain types of system conduct that would deny foreign airlines fair and nondiscriminatory treatment. We address the First Amendment issues in connection with our discussion of the display bias rules, and we discuss the United States' obligations under the air services agreements in our discussion of the international issues.

G. The Specific Rule Proposals

Our reexamination of the need for CRS rules in light of the changes in the systems' ownership and the on-going developments in airline distribution has convinced us that most of the rules are no longer necessary. This section states our conclusions on the need for the individual rules on which the notice of proposed rulemaking requested comments. As discussed above, we are willing to adopt rules regulating system practices only if they are reasonably necessary to prevent anti-competitive or deceptive practices that are likely to occur and that market forces are unlikely to remedy, if the rules will also be effective and enforceable.

We will begin our discussion of the major rulemaking issues by discussing the scope of the rules and certain definitional issues, which will be followed by our discussion of the rules that we have decided to readopt, the rules prohibiting display bias and certain contract clauses in the systems' contracts with participating airlines that appear to be anti-competitive. After that we will discuss (i) mandatory participation, (ii) booking fees, (iii) booking and marketing information, (iv) the use of third-party hardware and software by travel agencies and their ability to use one terminal to access several systems and databases, (v) travel agency contracts, (vi) Internet regulation, and (vii) international issues.

1. The Scope of the Rules

In our notice of proposed rulemaking, we proposed to modify the scope of the rules by making them applicable to all systems without regard to any airline ownership or marketing relationships. 67 FR 69382–69383. The existing rules cover systems owned or marketed by airlines that are used by travel agencies to obtain information, make bookings, and issue tickets for passenger air transportation. They do not cover computer systems that do not provide all of these functions, systems that are not owned or marketed by an airline or airline affiliate, and system services that are not used by travel agencies (for example, they do not cover CRSs when used by corporate travel departments). The rules also do not govern the operations of traditional travel agencies or on-line travel agencies. The description of the current rules' applicability is set forth in § 255.2, and the definition of ''system'' is in § 255.3.

We proposed to make the rules applicable to all systems, whether or not owned or marketed by airlines, but to maintain the systems' exclusion when providing services to users other than travel agencies. 67 FR 69389. The non-airline systems generally argue that there is no reason to regulate their practices due to their lack of airline ownership (and, as discussed above, they argue that section 411 does not authorize us to regulate systems not owned by airlines). Other commenters, notably Amadeus, argue that the rules should cover all systems equally. While no commenters advocate extending the coverage of all rules to the systems when providing services to corporate travel departments and other non-agency users, a few commenters essentially contend that the rules should cover selected CRS practices when corporate travel departments are using a system, because they urge us to regulate access to marketing and booking data and access to corporate discount fares. *See, e.g.,* NBTA Comments at 18–24; American Express Comments.

We have determined, as discussed above, that the rules should cover non-airline systems. Systems are likely to engage in bias whether or not they are owned or controlled by airlines. We are prohibiting a few specific airline contract practices—mandatory parity clauses and demanding most-favored-nation clauses—because they would

tend to maintain each system's market power and reduce the ability of airlines to obtain better terms for participation. Such clauses would have harmful effects no matter whether the system is owned by airlines or by non-airline firms. We accordingly are revising the language of the definition of ''system'' by eliminating the current limitation that a system be owned or marketed by an airline.

While including non-airline systems within the definition of ''system'' represents an extension of the current rules, as a practical matter this change will have no immediate impact, because all four of the systems are either owned or marketed by airlines. Applying the rules to all systems will also be equitable, because all competing firms providing essentially the same kind of services will be subject to the same rules. *Cf.* Amadeus Comments at 31–36; Orbitz Comments at 43–45.

We recognize that this change in the definition of a system departs from our earlier reasoning on whether the practices of non-airline systems required regulation. In our last rulemaking, however, we were focusing on system practices that were designed to prejudice airline competition, such as the use of architectural bias, and on practices that unreasonably restricted the travel agencies' ability to switch systems or use multiple sources of information and booking channels when competition between the systems represented a form of competition between the airlines owning the systems. At that time, of course, every system was owned and controlled by one or more airlines. In this proceeding we are adopting only rules prohibiting display bias and certain contract clauses that would unreasonably deny airlines the ability to choose how to distribute their services and fares. This change in focus, and the possibility that both non-airline and airline systems will engage in display bias and seek to restrict airline choices on distribution channels, explain our decision to expand the scope of the rules.

As noted, some commenters suggest that the rules should cover some system operations when being used by corporate travel departments. We have decided not to extend the rules to cover the use of the systems by persons other than travel agents. In the past, even when we found that the systems' practices required strict regulation insofar as the systems were providing services to travel agents, we concluded that we did not need to regulate CRS practices when the system was being used by a corporate travel department or someone else besides a travel agent. 57 FR 43794–43795. The record in this proceeding does not show a need to expand the regulation of the systems' practices. Doing so would be inconsistent with our decision that virtually all CRS regulation should be ended.

Furthermore, the proposals for expanding CRS regulation involve areas such as directing certain airlines to make all of their services and fares, such as corporate discount fares, available through all systems and barring airlines from obtaining unrestricted access to the booking and marketing data generated by the systems from bookings made by travel agencies and corporate travel departments. *See, e.g.*, NBTA Comments at 18–24; American Express Comments. As explained elsewhere in this document, we have decided not to adopt rules on these issues.

2. Exclusion of Internet-Based Systems

We proposed to revise the scope of our rules in a second respect, by excluding firms that do not provide airline information and booking capabilities to travel agencies under formal contracts. We expected that Internet-based firms such as Orbitz could enter the CRS business by providing CRS services on a transaction-by-transaction basis. We tentatively found that such Internet-based firms would be likely to offer new competition in the CRS business but not likely to obtain the kind of market power that made CRS rules necessary. We doubted that such firms would present a potential for anti-competitive conduct and deceptive conduct. We expected that travel agencies would use such a service as an alternative to one of the existing systems, either on a transaction-by-transaction basis or under short-term contracts. 67 FR 69389–69390.

Several commenters oppose this proposal on the ground that all systems should be treated the same and that Orbitz in particular should be covered by the rules because, unlike the four existing systems, it is owned and controlled by major U.S. airlines. Some commenters argue that using the existence of a formal contract to distinguish between systems covered by the rules and those not covered by the rules would be irrational. *See, e.g.*, Amadeus Comments at 42–43, 98–100; Southwest Comments at 7–10.

Orbitz supports the proposal. If a travel agency used a system on a transaction-by-transaction basis, the system would assertedly have no assurance that the travel agency would continue using its services, and thus the system would have no market power. According to Orbitz, that would eliminate any basis for regulation. Orbitz Comments at 41–43.

We have decided not to modify the definition of ''system'' to exclude firms that do not offer services under a formal contract, as was proposed, or to create a different exception for Internet-based firms that offer services that are comparable to those being offered by the existing systems. Normally all competitors in an industry subject to general regulations should be treated alike, unless there are substantial reasons for a different result.

Moreover, we see a likelihood that any firm providing system services, even on a transaction-by-transaction basis, may engage in the kind of practices prohibited by our rules. Our proposal essentially assumed that travel agents would use an Internet-based system in addition to one of the existing systems, not as a substitute for such a system. The commenters generally agree, however, that the great majority of travel agencies will use a single system, not multiple systems. *See, e.g.*, ASTA Comments at 3–4; Large Agency Coalition Comments at 20. As a result, travel agencies using an Internet-based system would probably use it as their only system. If such a system built a subscriber base consisting of travel agencies using its services for almost all CRS functions, that system in time would acquire the kind of market power that the existing systems have—airlines would have to participate in that system if they wanted their services to be readily saleable by its travel agency subscribers. In addition, travel agencies will be reluctant to switch systems, whatever the form of contractual arrangement, so subscribers using a system without having a long-term contractual arrangement will likely continue using that system for a substantial period of time. Furthermore, the firm most likely to benefit from the proposed redefinition of ''system'' would be Orbitz. Given Orbitz' affiliation with five major airlines, and its access to the webfares offered by most airlines, Orbitz may in time obtain a significant number of subscribers.

The proposed distinction between systems providing services to subscribers under formal contracts and those that do so without formal contracts would likely be difficult to administer. Even a short-term commitment by a travel agency to use a system would arguably constitute a formal commitment. Amadeus Comments at 42. Galileo contends that such a distinction would encourage firms to game the system by developing business relationships that in form

would not appear to involve formal contracts. Galileo Comments at 44. *See also* Amadeus Comments at 42–43.

We also do not believe that our decision will deter Orbitz or other firms from entering the CRS industry, assuming that doing so is otherwise an attractive business proposition. The remaining rules will prohibit display bias and certain types of restrictive clauses in airline contracts. Orbitz' business plan has included commitments to offer unbiased displays, which Orbitz has honored. Office of the Inspector General, U.S. Department of Transportation, ''OIG Comments on DOT Study of Air Travel Services'' (December 13, 2002), at 7–8. We assume that our individual rules against display bias would not force Orbitz to restructure its displays. We see no evidence that Orbitz has planned to impose parity clauses and similar restrictions on airlines using its services. Orbitz' most-favored-nation clause is consistent with the limited rule barring systems from demanding access to all publicly-available fares as a condition to any participation in a system, because Orbitz gives airlines a rebate on their booking fees if they agree to the most-favored-nation clause and will sell their services through Orbitz if they do not agree.

One firm, AgentWare, urges us to revise the definition to make sure that it does not inadvertently cover Internet-based software applications such as AgentWare's Travel Console. AgentWare Reply Comments. AgentWare does not explain why our definitions would create a problem, describe in detail how AgentWare provides information and booking services to travel agencies, or propose a change to the rules' definition that would avoid the stated problem. Our review of the description of AgentWare's products set forth on its website suggests that the rules should not apply to AgentWare, which appears to provide a link to other sites where bookings can be made, does not provide a booking function itself, and presumably is not charging airlines any fees. *See also* Galileo Comments at 66–67. If AgentWare believes that the rules would interfere with its operations and can show that the application of the rules to its services would be unnecessary to protect the public interest, we could exempt it from the rules under 49 U.S.C. 40109. We do not wish to discourage firms like AgentWare from offering new technology and new information services to travel agencies and travelers.

American Express asks that we be sure to exclude direct connections between travel agencies and airlines and proprietary software used internally by a travel agency. American Express Comments. Our revised definition of ''system'' expressly does not cover direct connections and would not cover software used by a travel agency.

3. Definitions

The rules currently govern the operation of each ''system,'' defined as a computerized reservations system that, among other things, is offered to subscribers, charges any airline other than its affiliated airlines fees for system services, and provides travel agents with the ability to make reservations and to issue tickets. The rules define ''subscriber'' as a ticket agent ''that holds itself out as a neutral source of information about, or tickets for, the air transportation industry and that uses a system.'' Section 255.3.

We proposed to change the definition of ''system'' and ''subscriber'' to reflect current industry conditions. Because the airlines are trying to phase out paper tickets, we stated that we planned to eliminate the requirement that a system be able to issue tickets. When we adopted the current rules, we assumed that travel agencies would not choose a system that did not offer a ticketing capability. Since then airlines have developed E-ticketing, and they often discourage passengers from demanding paper tickets (an E-ticket, unlike a paper ticket, is just a printed confirmation of the purchase of air transportation). The ability to issue tickets therefore may no longer be a crucial function needed by travel agencies. 67 FR 69390

Similarly, because many travel agencies have incentive commission arrangements with some airlines that are designed to encourage the travel agency to shift bookings to those airlines, we proposed to eliminate the requirement that a subscriber be impartial. While travel agencies generally offer impartial advice, the existence of preferred supplier relationships between many travel agencies and individual airlines might lead some to question whether the agencies were entirely impartial. We therefore proposed to amend the definition in order to eliminate any possible uncertainty over the rules' applicability. 67 FR 69390.

No one commented on our proposal to change the definition of ''system'' by deleting the ticket issuance function, and some support the proposed change in the definition of ''subscriber.'' ASTA Comments at 50; Amadeus Comments at 44.

We will therefore adopt these changes for the reasons stated in our notice of proposed rulemaking. In addition, our decision that most of the rules should not be readopted has made other definitions unnecessary, such as ''system owner.'' We are not readopting these definitions.

4. Rules Barring Display Bias

(a) Background. We have found, as explained above, that we should continue to prohibit display bias for a six-month period. Display bias may both harm airline competition and cause consumers to be misled, especially if it is not clearly disclosed, and accordingly we believe it necessary to allow additional time for an orderly transition to a deregulated marketplace.

Our rules prohibit systems from biasing their displays in favor of individual airlines but do not prescribe how a system must display airline services. Each system may develop its own criteria for editing and ranking displays of airline services. Section 255.4. The rules define display bias as using carrier identity in selecting flights from the database and ordering the listing of flights in the display. Galileo, for example, may not give United's flights a preference just because they are operated by United. Other provisions additionally limit the potential for bias. One such provision requires each system to apply its editing and ranking criteria consistently to all markets. The system must select connecting points (and double connect points) for constructing connecting flights for each city pair on the basis of criteria that are applied consistently to all airlines and all markets. Participating airlines can designate five points to be used as connecting points in a market. Section 255.4(b)(1), (c).

Each participating airline must ensure that it provides complete and accurate information to each system in a form that will enable the systems to display flights in accordance with our rules on display bias. Section 255.4(f).

The rules do not prohibit systems from selling advertising on their displays.

The current detailed rules on display bias stemmed from findings by us and the Board that rules prohibiting or restricting specific display algorithms were necessary, due to the systems' creation of editing and ranking criteria that, while often ostensibly neutral, in fact gave the services of favored airlines an unwarranted advantage in the system's displays over the services offered by competing airlines. *See, e.g.*, 62 FR 63837.

The rules do not regulate the displays created by travel agencies and thus do not prohibit a travel agency from biasing the displays used by its travel agents. We determined in our last overall

rulemaking that such a rule was unnecessary because competition between travel agencies appeared likely to deter them from offering customers misleading or incomplete advice on airline service options. 57 FR 43809.

In our notice of proposed rulemaking, we proposed to maintain the existing rules against display bias. We also proposed to bar airlines from inducing, or attempting to induce, a system to create a display that would violate the rules on display bias. 67 FR 69385, 69397, 69428.

We further proposed to modify the rules to address two other display issues. First, we proposed to limit the number of times an airline service could be displayed under different airline codes. 69 FR 69396–69397. Secondly, American had once offered travel agencies software that would enable an agency to create displays that gave American a strong preference. We tentatively determined that the rules should prohibit any airline from offering programs to travel agencies enabling agencies to bias their displays. 67 FR 69397. We did not propose to regulate the displays created by travel agencies. 67 FR 69397–69398.

The commenters disagree over our proposal to readopt the existing rules. Sabre, Delta, and Travelocity argue that no rules on display bias are necessary, and the Competitive Enterprise Institute (''CEI'') argues that any restrictions on system displays would violate the First Amendment. Other commenters assert that rules prohibiting display bias remain necessary. *See, e.g.*, America West Comments at 39; American Comments at 35; Continental Comments at 24; Northwest Comments at 12; ASTA Comments at 41. Commenters similarly disagree over our proposals on limiting the display of code-share services and barring airlines from providing software that could be used by a travel agency to bias its displays.

After considering the comments, we have determined to maintain the existing rules prohibiting the systems from biasing displays for an additional period of six months. We will not adopt our proposals to bar airlines from distributing software that can bias displays and to limit the number of times a single service is displayed under different airline codes.

(b) *Maintaining the Rules Prohibiting Display Bias.* We explained above why we have decided to readopt rules prohibiting display bias, for the next six months, in our discussion of why we find that limited CRS regulation remains necessary. As discussed there, the record demonstrates that systems are likely to have the wherewithal to bias their displays of airline services if we allow our prohibition against such bias to terminate immediately. Undisclosed display bias could prejudice airline competition and cause consumers to receive misleading information on airline services. Display bias makes it more difficult for travel agents to find the airline services that best meet a customer's needs. ASTA accordingly states, ''Travel agencies should not be required to waste time in an effort to defeat biased displays so they can serve their clients. Airlines should win clients with better fares and service, not by burying their competitors' information in computer displays.'' ASTA Comments at 41.

No commenter has argued that we must revise the existing rules, should we decide to keep regulations against display bias. The commenters who argue that rules on display bias are unnecessary have not suggested rule revisions that would minimize the regulation of the systems' editing and ranking of airline service options, nor have they shown that the rules impose any significant burden on the systems. We will therefore readopt the existing rules for a period of six months with a sunset date of July 31, 2004. We will actively continue to monitor market conditions. We, of course, retain the ability to propose readoption of rules against display bias if conditions indicate, contrary to our present expectation, that continuation of such rules is warranted.

(c) *Barring Airlines from Encouraging Display Bias.* We proposed to adopt a rule, section 255.11(a), that would prohibit airlines from inducing or attempting to induce a system to bias its displays. If section 411 were not read as enabling us to directly regulate system practices, we could prohibit some potentially prejudicial practices, like display bias, by barring airlines from entering into contracts with systems that would encourage or facilitate such practices, as explained in our notice of proposed rulemaking. 67 FR 69385.

No one has objected to this proposal, assuming that we have a basis for regulating display bias at all, so we will adopt it. While we believe that systems are ticket agents and thus subject to section 411, this rule provides an additional basis for enforcing the prohibitions against display bias during the six-month transitional period.

(d) *First Amendment Issues.* While section 411 authorizes us to regulate the systems' displays, in exercising that authority we must comply with the First Amendment, which restricts the ability of government agencies to regulate commercial speech. Two commenters—CEI and Sabre—raise questions about whether our proposed rules would violate the First Amendment (several other commenters argued that our proposed policy on the disclosure of travel agency service fees would violate the First Amendment, an argument that we will address in a separate rulemaking on that issue). CEI contends that our proposed rules on display bias are contrary to the First Amendment's protection for commercial speech. CEI Reply Comments at 2–3. Sabre does not argue that the proposed rules are unlawful and instead only suggests that they may present First Amendment issues. Sabre Reply Comments at 73.

We believe that our rules against display bias will not violate the First Amendment, as was true when we adopted the existing rules. 57 FR 43792. The Supreme Court has held that government agencies may regulate commercial speech. As the Court has explained, ''Commercial speech * * * is 'linked inextricably' with the commercial arrangement that it proposes, so the State's interest in regulating the underlying transaction may give it a concomitant interest in the expression itself.'' *Edenfield* v. *Fane,* 507 U.S. 761, 767 (1993) (citations omitted). As a result, courts and agencies may enforce competition laws against firms despite First Amendment claims. The Supreme Court has refused to block suits and administrative actions taken to enforce the antitrust laws despite assertions that the targeted conduct represents an exercise of First Amendment rights. *See, e.g., FTC* v. *Superior Court Trial Lawyers Ass'n,* 493 U.S. 411 (1990); *Allied Tube & Conduit Corp.* v. *Indian Head, Inc.,* 486 U.S. 492 (1988). The same principle should apply to our implementation of our statutory authority to prohibit unfair methods of competition.

Furthermore, the First Amendment protects commercial speech that is not misleading. As the Court stated in *Central Hudson Gas & Electric Corp.* v. *Public Service Comm'n,* 447 U.S. 557, 563 (1980), ''The government may ban forms of communication more likely to deceive the public than to inform it,'' for ''there can be no constitutional objection to the suppression of commercial messages that do not accurately inform the public about lawful activity.'' The Court has declared, ''But when the particular content or method of the advertising suggests that it is inherently misleading or when experience has proved that in fact such advertising is subject to abuse, the states may impose appropriate restrictions.'' *In re R.M.J.,* 455 U.S. 191, 203 (1982). We are adopting the rules on

display bias because we seek to protect the public against misleading communications, and experience has shown that systems are likely to bias their displays if not barred from doing so. The courts have sustained restrictions on speech where necessary to prevent possibly misleading messages. *Nutritional Health Alliance* v. *Shalala,* 144 F.3d 220 (2d Cir. 1998); *Bristol Myers Co.* v. *FTC,* 738 F.2d 554, 562 (2d Cir. 1984).

However, if displays of airline services of the kind proscribed by our rules were considered protected by the First Amendment, our rules would satisfy the test set forth in *Central Hudson Gas & Electric Corp.* v. *Public Service Comm'n,* 447 U.S. 557 (1980); *Lorillard Tobacco Co.* v. *Reilly,* 533 U.S. 525 (2001); and *Board of Trustees* v. *Fox,* 492 U.S. 469 (1989). A government may restrict commercial speech that concerns lawful activity and is not misleading, if the government has a substantial interest and if the restrictions directly advance that interest and are no more extensive than necessary to serve that interest. *Central Hudson, supra,* 447 U.S. at 566; *United States* v. *Edge Communications,* 509 U.S. 418 (1993).

In considering whether our rules on display bias are consistent with the First Amendment, the limited nature of the restrictions imposed by our rules is important. Unlike the typical commercial speech case, our rules do not prohibit the listing of any airline service or fare, nor do they prohibit airlines from advertising their services on CRS screens or elsewhere. Our notice of proposed rulemaking thus stated in the context of proposals to regulate on-line travel agencies that we do not consider banner advertisements to constitute bias. 67 FR 69412. Our rules, moreover, are in large part designed to keep systems from hiding or omitting information, for example, by constructing displays of connecting services that arbitrarily exclude the hubs of disfavored airlines as connecting points. The rules merely require systems to follow certain requirements in listing flights in their displays of airline services rather than prohibit the inclusion of information.

Our rules satisfy the first element of the commercial speech test, because we have a substantial interest in preventing system practices that would mislead consumers and harm airline competition. Congress has given us the responsibility to prevent unfair and deceptive practices and unfair methods of competition in the airline industry. Our readoption of the rules against display is, as shown, consistent with the Justice Department's position that display bias will injure consumers by causing a reduction in airline competition.

Our rules meet the second element of the test, because they directly advance our interest in preventing display bias that would harm competition and mislead consumers. Our rules impose display requirements that experience has shown are necessary to prevent systems from presenting displays that would mislead travel agents and their customers and that would harm airline competition.

Finally, our rules meet the third part of the *Central Hudson* test. Under that part of the test, there must be a reasonable fit (but not necessarily a perfect fit) between the advertising limitation and the government's asserted interest, and the restriction need not be the least restrictive means for defending that interest. The rules are tailored to prevent display bias. They do not, for example, prohibit systems from advertising airline services on their displays, nor from providing a display of only one airline's services. The rules also do not generally prescribe how airline services must be edited and ranked. The Court upheld the advertising prohibition in *Edge Broadcasting* because it was ''reasonable'' without examining whether the prohibition was better than available alternatives, 509 U.S. at 429–431. CEI, the commenter arguing that the display bias rules violate the First Amendment, has not suggested any alternative regulations that would be less burdensome and still prevent consumers from being misled and prevent the harm to airline competition that would result from display bias. *Cf. Trans Union* v. *FTC,* 295 F.3d 42, 53 (D.C. Cir. 2002).

(e) *Display of Code-Share Services.* The display of services operated under a code-share arrangement can lead to the multiple listing of single flights, because the service may be listed under the code of each airline that has a code-share agreement with the airline operating the flight. We asked for comments on whether we should adopt one of the following limits on the number of times a single flight was displayed under different codes: (i) an American proposal for a rule requiring that all airline codes displayed for a flight be displayed in one listing, as is the case for flights operated under one airline code, (ii) the European rule allowing a service to be displayed under no more than two codes, and (iii) a Continental proposal allowing one listing of an international nonstop flight or set of connections for each code-share partner. Because we have found that code-sharing usually benefits consumers by creating more integrated services, we did not propose to prohibit code-sharing altogether. 57 FR 43805. We further noted that airlines engaged in code-sharing understandably expect their services to be listed under each partner's code. Code-sharing is a significant feature of the international alliances that we have found provide significant consumer benefits. International agreements also provide bilateral rights to offer code-share services. 67 FR 69396–69397.

Several commenters urge us to adopt the European rule, which bars a single service from being displayed under more than two codes. Amadeus Comments at 55–56; American Comments at 35; Midwest Comments at 24–25; Air Carrier Ass'n of America Comments at 13. Southwest contends that no service should be listed more than once. Southwest Comments at 10–12. U.S. Airways prefers limiting the display of a domestic service to two codes and an international service to three codes. U.S. Airways Comments at 9–12. Continental argues that each service should be displayed once under each airline code. Continental Comments at 24–25. *See also* ASTA Comments at 41. Northwest opposes any limits on the display of code-share services. Northwest Comments at 22.

During the comment period, we reviewed under 49 U.S.C. 47120 the domestic alliance planned by Delta, Continental, and Northwest. We concluded that the alliance presented significant competitive concerns but that we would not begin a formal investigation of whether the alliance's operations would constitute unfair methods of competition in violation of section 411 if the three airlines agreed to conditions alleviating our concerns. One of the conditions required the three airlines to ask the systems to display their services under no more than two of their three codes while we completed this rulemaking. We developed that condition because we believed that the use of all of the partners' codes on their services could create an unreasonable competitive advantage for the three airlines. 68 FR 10770 (March 6, 2003).

We have decided not to limit the display of code-share flights. While we remain concerned about the potential competitive effects of the multiple display of code-share services, we do not see a compelling reason to regulate the display of code-share services at this time. However, nothing in our rules, or in this discussion, should be read as prohibiting or discouraging systems from limiting the display of code-share

services if they wish to do so, and two of them—Sabre and Amadeus—have done so by listing a flight under the codes of no more than two airlines, the operating airline and one of its code-share partners. They are thereby following the European Union rules, which allow each airline service to be displayed under no more than two airline codes. We assume that the other systems will adopt similar limits if the display of code-share services under multiple airline codes is disadvantageous for travel agencies, who can choose between systems and should prefer a system that has the most useful displays. That no system is now owned or controlled by U.S. airlines should make it more likely that systems will respond to travel agent and consumer preferences in this area.

Orbitz suggests that the adoption of the European Union rule by Sabre and Amadeus violates our rule barring systems from discriminating against airlines that sell services under another airline's code, 14 CFR 256.4. Orbitz Reply Comments at 16, n.8. We disagree. The Board adopted that rule because United's system, Apollo, planned to stop displaying flights of airlines that operated entirely under another airline's code, such as the Allegheny Commuter airlines, which had no codes of their own and instead used US Airways' code. Under Apollo's plan, the system would list connecting services only under the code of the airline that operated the flight. 49 FR 9430 (March 13, 1984). In contrast, the practice followed by Sabre and Amadeus does not prevent an airline's code from being used on flights operated by a second airline. Instead, the two systems limit the number of times the code is displayed. We do not think that violates the rule, which prohibits a system from denying access to its system to airlines that share a single code or from discriminating against an airline on the basis of its use of another airline's code.

(f) *Biasing Software Provided by Airlines.* While we did not propose to bar travel agencies from creating biased displays, we did propose to bar all airlines from providing software to travel agencies that could be used to create biased displays. This proposal grew out of an enforcement proceeding prosecuted by our Enforcement Office. That Office had filed a complaint against American and Sabre based on American's distribution to some travel agencies using Sabre, then controlled by American, of a program that enabled them to bias their displays in favor of American. American Airlines and Sabre Travel Information Network Enforcement Proceeding, Docket OST–95–430. The software enabled travel agencies to create several different displays, including one that would show only American flights.

We thought that an airline's distribution of software to be used for biasing displays was essentially the same as a system's offering of a biased display. We recognized that travel agencies would decide whether to accept such software, but we anticipated that a travel agency would be under some pressure to accept such software from an airline that was the major airline in the agency's market. We saw no reason for allowing any airline to distribute such software. 67 FR 69397.

We have decided not to adopt a new rule that would prohibit airlines from distributing software that could be used to create biased displays, although we are prohibiting airlines from attempting to induce any system to create biased displays. Travel agencies have to compete against other travel agencies, and their need to satisfy their customers should check their willingness to create biased displays. The airlines' divestiture of their system ownership interests should alleviate any problem that might otherwise exist, because the airline affiliated with the system used by the travel agency would be the airline most able to cause the travel agency to accept biasing software. American, for example, distributed its software to travel agencies using Sabre. Furthermore, a travel agency that is intent on creating a biased display could probably obtain the necessary software from other sources. Delta Reply Comments at 60. Banning airlines from providing biasing software therefore seems unlikely to stop such conduct.

ASTA, moreover, alleges that the proposed rule is unnecessary. ''A travel agency would only want to bias a display when it was working with a corporate client that had made an independent preferred fare arrangement with the favored airline. In such cases the agency's efficient servicing of that client will be enhanced if the agency has available to it a display that shows the favored carrier's flight first.'' ASTA Comments at 41.

The lack of a rule may lead to some harm. Some travel agencies, despite their need to obtain repeat customers, may bias displays in ways that would cause customers to book flights that do not best meet their needs, and a rule prohibiting airlines from distributing biasing software would help prevent such conduct. The competitive pressures on travel agencies nonetheless should make the adoption of a general prohibition unnecessary. We do not wish to adopt rules that would prevent all potential problems, because doing so would impose a large body of regulation on industry participants and stifle innovation.

As is true on other issues, however, we will monitor the conduct of airlines and travel agencies to see whether the lack of general rules is leading to deceptive or anti-competitive practices that are not being corrected by market forces.

Amadeus argues that a system should also be able to sell software to travel agencies that would allow agencies to create biased displays if they wish. Amadeus Reply Comments at 12. Our proposed rule would have prohibited such conduct. We have decided not to bar systems from selling such software. A travel agency always has the option to decline to use such software and a system, unlike an airline that dominates a region, should have little ability to compel a travel agency into accepting software that the agency prefers not to use. In contrast, we are prohibiting systems from biasing their displays, because then an unbiased display is not available as an option.

5. Contract Clauses Restricting Airline Choices on System Usage

(a) *Background and Our Proposals.* We have found that the systems continue to have some market power over most airlines, as explained above, although we expect that power to be diminished by the on-going developments in airline ticket distribution. Airlines should have some bargaining power against systems if each airline can choose which services and fares will be saleable through each system and the level at which it will participate in each system.

There remains a significant risk that systems may use their market power to compel conduct that would limit the potential for competitive discipline in the CRS business. First, until we prohibited them from doing so, three of the four systems enforced parity clauses against participating airlines. A system's parity clause required each participating airline to buy at least as high a level of service from the system as it did from any other system. To ensure that each airline can choose its participation level in each system, we adopted a rule prohibiting systems from enforcing parity clauses against airlines that do not own or market a competing system, because we found that parity clauses denied airlines the ability to select their participation level (and therefore prevented competition that might otherwise exist). Section 255.6(e), adopted at 62 FR 59784 (November 5,

1997). Parity clauses made it unnecessary for systems to compete for airline participation at higher levels of service (while almost all airlines must participate in each system, as discussed, many airlines do not need to participate at the higher levels, which are more expensive). As we additionally explained, ''[P]arity clauses cause airlines either to buy more CRS services than they wish to buy from some systems or to stop buying services from other systems that they would like to buy, which creates economic inefficiencies and injures airline competition.'' 62 FR 59784. We proposed to readopt that rule in this proceeding. 67 FR 69392.

Secondly, we saw a risk that systems could try to take away the airlines' control over access to their fares, especially webfares, which airlines could otherwise use as leverage to obtain better terms from the systems. Travel agencies wish to be able to find and book webfares through their systems, because doing so is more efficient than using an alternative booking channel. 67 FR 69373, 69381. As discussed above, after we completed our notice of proposed rulemaking, two of the systems—Sabre and Galileo—began offering lower fees to airlines that agreed to make all their webfares available through the system. Sabre's comments on our advance notices of proposed rulemaking, however, indicated that a system might by contract attempt to compel participating airlines to make all fares saleable through the system. Sabre stated that its contracts required participating airlines to make all publicly-available fares saleable through Sabre, although Sabre had not yet required any airline to comply with that provision. *See* 67 FR 69392–69393. Since then, Sabre has been giving reduced fees to airlines that provide their webfares, although Sabre had earlier sued American to compel that airline to provide its webfares, albeit under a contractual provision applicable to airlines that owned or marketed another system. American Comments at 24–26; Orbitz Comments at 36.

We also proposed to prohibit each system from enforcing clauses that bar airlines from discriminating against travel agencies because they used that system. Sabre had such a clause in its participating airline agreements. We thought that clauses barring discrimination could block airline efforts to persuade travel agencies to use systems that were less expensive for a participating airline. 67 FR 69393.

We believed that these proposals would be consistent with our rule prohibiting parity clauses, § 255.6(e). We did not propose to ban such clauses if they resulted from negotiations between the system and participating airlines. 67 FR 69392–69393.

The Justice Department states that most-favored-nation clauses like those that we proposed to prohibit can be anti-competitive, that the Justice Department supported our proposal to prohibit parity clauses in 1996, and that the Justice Department has filed antitrust enforcement actions against the use of similar clauses in other industries. Justice Department Reply Comments at 25. The clauses ''may reinforce CRS market power over airlines, particularly if they discourage the development of alternative distribution channels.'' Justice Department Reply Comments at 26. Such clauses can be beneficial, however, and any broad prohibition of most-favored-nation clauses by us would be harmful if it prevented airlines and systems ''from freely negotiating mutually acceptable contracts,'' especially when systems are willing to offer discounted fees to airlines willing to accept such a clause. Justice Department Reply Comments at 25–26. The Justice Department concludes that we could reasonably decide to prohibit parity clauses and clauses requiring an airline to make all publicly-available fares saleable through a system but that the opposite decision could also be reasonable (the Justice Department seemingly assumed, however, that our proposed rules would prohibit airlines from agreeing to accept parity clauses and clauses requiring them to make all fares available, which was not our intent). The Justice Department recommends against adopting the proposal to prohibit systems from barring airlines from discriminating against their subscribers. Justice Department Reply Comments at 27.

Orbitz and several airlines argue that we should prohibit most-favored-nation clauses like parity clauses and should not allow systems to enforce them against airlines that own or market a competing system. Orbitz Comments at 35–39; Alaska Comments at 8; American Comments at 24–29; Continental Comments at 14–17; Delta Comments at 33–39. Galileo supports the readoption of the existing rule barring parity clauses with the exception allowing a system to enforce such a clause against an airline affiliated with a competing system.

United contends that parity clauses clearly violate the antitrust laws but that enforcement action, not the adoption of a general rule, is the proper way to prevent such anti-competitive conduct. United Reply Comments at 46–54, 75–77.

Several commenters argue that systems should be able to negotiate for parity clauses or most-favored-nation clauses from participating airlines. Amadeus Comments at 46–48; Galileo Comments at 24; Sabre Comments at 133–135; Amadeus Reply Comments at 16; Mercatus Comments at 8.

(b) *Summary of Final Rule.* We have determined to readopt for a transitional period of six months the rule prohibiting parity clauses as a condition to any participation in that system, but without the existing exception that allows a system to enforce such a clause against an airline that owns or markets another system. We are also adopting for six months a rule barring systems from requiring airlines to provide all publicly-available fares to a system as a condition to any participation in that system. We have decided not to adopt the rule barring a system from prohibiting participating airlines from discriminating against its subscribers.

These rules will sunset on July 31, 2004. The six-month period, we believe, will furnish the parties with notice of the forthcoming changes and an opportunity to prepare for the absence of these rules. The six-month period will, we believe, allow affected parties to arrange for an orderly transition to complete deregulation of computer reservations systems. We, of course, retain the authority to reexamine these issues at any time if warranted.

We agree with the commenters who contend that a system should be able to negotiate for most-favored-nation clauses from participating airlines. Amadeus thus states, ''CRSs and airlines should be free to bargain for [parity clauses] as part of their overall negotiation of fees and terms of participation,'' and ''CRSs should have the right to bargain with airlines concerning whether an airline must provide to the system fares provided to any other system, or to any online travel site, or to any other distribution channel.'' Amadeus Comments at 47. Our rules will not bar systems and airlines from doing so, and will not affect the ability of Sabre and Galileo to continue their existing programs to trade lower fees for access to webfares. Orbitz, of course, has a similar program, which enables airlines to obtain a partial rebate of their booking fees if they agree to make all of their publicly-available fares, including webfares, saleable through Orbitz.

We disagree with United's contention that we should rely on enforcement action rather than rules to prevent

systems from demanding most-favored-nation clauses that are anti-competitive. United Reply Comments at 23. United itself agrees that parity clauses are anti-competitive. United Reply Coments at 76. We would be using our authority more efficiently if we establish rules barring specified anti-competitive clauses rather than seek to block the imposition of such clauses through enforcement proceedings.

Nonetheless, while we are not barring systems from creating and enforcing bargained-for parity clauses and clauses requiring an airline to provide all publicly-available fares to the system that are saleable through other distribution channels, most-favored-nation clauses can be anti-competitive in some situations, as pointed out by the Justice Department. America West complains that the Galileo and Sabre Momentum and DCA programs will insulate the two systems from competition from alternative distribution channels: ''These programs essentially require America West to relinquish control over how and to whom it will distribute its inventory for a minimal discount off of Galileo's and Sabre's booking fees'' and would require America West to ''forego any opportunity to encourage the development of alternative distribution channels by providing special fares exclusively through such alternate channels.'' America West Reply to Supp. Reply at 3. The systems' market power possibly may enable the CRSs to obtain access to webfares without significant reductions in booking fees. At this time, however, we believe, as does the Justice Department, that systems should be able to negotiate for most-favored-nation clauses, which do offer participating airlines some reductions in booking fees and enable travel agents to obtain more comprehensive information on airline services from their systems.

(c) *Airline Parity Clauses.* We have determined to maintain the prohibition against the enforcement of parity clauses that are demanded as a condition of participation for an additional six months, and to eliminate the exception allowing systems to use such a clause against an airline that owns or markets another system. Each airline should be able to choose its level of participation in each system. Prohibiting parity clauses for this additional period should give airlines additional bargaining leverage against individual systems, and furnish time to make adjustments in anticipation of the termination of the prohibition.

The existing rule, as noted, has an exception allowing a system to enforce a parity clause against an airline that owns or markets a competing system. We created that exception because an airline affiliated with one CRS as an owner or marketer might participate in competing systems at a level lower than its level of participation in its own system in order to induce travel agencies in regions where it is the dominant airline to choose its affiliated system rather than a competing system. We therefore allowed a system to enforce parity clauses against airlines that owned or marketed a competing system. A system could not enforce a parity clause, however, until it had given us and the airline 14 days advance notice of its intent to do so. 62 FR 59797–59799.

Keeping such an exception would be inconsistent with our decision that the mandatory participation should not be readopted. An airline that owns or markets a system should have the ability to determine at what level it will participate in any system. In theory, such an airline may choose a lower participation level in some systems in order to give an advantage to the system that it owns or markets, but substantial changes in participation levels do not seem likely. The major network airlines need to be in every significant distribution channel, and most of them have chosen to provide their webfares to Sabre and Galileo rather than reserve them for Orbitz, even though they own Orbitz.

We note that Sabre argues that a rule barring parity clauses (or clauses requiring an airline to make all publicly-available fares saleable through a system), if such clauses are imposed as a condition to any participation in the system, would not violate antitrust principles. Sabre Reply Comments at 58–61. We disagree for the reasons set forth when we adopted the existing rule prohibiting the enforcement of parity clauses. Sabre, however, does not seem to oppose the actual rules we proposed. Sabre states that it seeks ''the right to bargain for nondiscrimination.'' Sabre Reply Comments at 57–58. We wish to give the systems that opportunity, for the record suggests that the result should be pro-competitive. The existing Sabre and Galileo programs whereby systems agree to charge lower fees in exchange for guaranteed access to all publicly-available fares should benefit all parties to the arrangements and consumers as well.

(d) *Clauses Mandating Access to All Fares.* We also proposed a rule barring systems from requiring an airline, as a condition to participation, to provide the system with fares that the airline had chosen not to sell through any system. Any such condition could unreasonably restrict a participating airline's ability to bargain with the system for better pricing and terms. Airlines should be free to choose to offer their webfares, or other types of fares, only through their own websites, without being obligated by system contracts to make them available through other distribution channels. Airlines can use their control over webfares to win better terms for CRS participation. As Amadeus states, ''Airlines have attained, and are increasingly using, the leverage of access to webfares to wrest better deals from the CRSs.'' Amadeus Comments at 10.

Contract clauses that required access to all publicly-available fares as a condition to any participation in a system could frustrate our efforts to allow airlines to create ways of bypassing the systems when doing so is more cost-effective and likely to establish competitive discipline for the systems' prices and terms for participation. As American contends, if we allow systems to demand that an airline provide all of its publicly-available fares as a condition to any participation, ''Airlines would lose their most effective tool for creating and encouraging the growth of lower cost distribution channels.'' American Comments at 27.

We originally proposed to bar contractual requirements that an airline provide fares that it had chosen not to distribute through travel agencies or any system. 67 FR 69393. On further consideration, we have determined that the proposal was too narrow. As shown, several airlines have agreed with Galileo and Sabre that they will provide all webfares to those systems in exchange for reduced booking fees. The original proposal would allow the other two systems to require those airlines to provide the same fares to them, even if they have offered nothing in exchange for the ability to sell the fares. Our rules should not be used to aid Amadeus and Worldspan in insisting that they be given access to the same fares when they have not offered better terms to participating airlines in exchange for the fares. *Cf.* Orbitz Comments at 39. We are therefore barring systems from requiring an airline, as a condition to participation, to provide access to fares that the airline does not wish to sell through that system.

We are adopting this rule for six months even though our proposal stemmed from a Sabre contract clause that that system is not now enforcing. We think there is some likelihood that another system would seek to take such

action. While this rulemaking was pending, Worldspan threatened to expel U.S. Airways unless that airline made all of its webfares saleable through Worldspan. U.S. Airways refused to agree, and Worldspan did not follow through on its threat. Sabre Comments at 75; Sabre Reply Comments, Salop & Woodbury Declaration at 17. While Worldspan did not carry out its threat, its decision may have been influenced by the pendency of this proceeding. *Cf.* 57 FR 43817. Because we believe that a system's demand that an airline provide all publicly-available fares as a condition to any participation would be anti-competitive, adopting our proposed rule is the best course of action.

This rule, like the rule barring parity clauses, will not have an exception allowing systems to demand access to all publicly-available fares from airlines that own or market a competing system. All airlines should be able to withhold access to attractive fares from a system unless the system offers acceptable terms for the right to sell the fares.

We recognize that travel agents could operate more efficiently and provide their customers more complete advice if every airline's publicly-available fares were saleable through each of the systems. Nevertheless, allowing systems to compel airlines to provide all such fares without providing any benefits in return would maintain the systems' market power and deny airlines an opportunity to use their control of webfares as a way to obtain lower fees. In addition, as explained below in our discussion of proposals that we require airlines to make all fares available for sale through all distribution channels, such a requirement would be contrary to long-established operating practices. Airlines have long chosen to offer some special fares only through selected distribution channels.

Two airlines—Delta and Northwest—urge us to adopt a broader rule that would prohibit systems from also demanding access to information and benefits such as frequent flyer awards if an airline has chosen not to provide those to the system. Delta Reply Comments at 34–35; Northwest Reply Comments at 11–12. We have no evidence that systems have attempted to compel airlines to provide such information and benefits. A broader rule, therefore, seems unnecessary at this time.

America West seeks a rule prohibiting each system from providing access to any airline's webfares for their subscribers, if the airline has not chosen to distribute the fares through that system. America West Comments at 31, 34–35. This proposal stems from the systems' use of firms like FareChase to search airline websites for better fares not available through the system and to tell the travel agent using the system when such fares are being offered. The travel agent who wishes to book such a fare, however, cannot do so through the system and must instead make the booking through the airline's website (or another site that has obtained access to the fares from the airline). Sabre Reply Comments at 48.

We are unwilling at this point to adopt such a rule. When FareChase searches airline websites for fares, it does not cause airlines to pay additional booking fees to a system. Sabre Reply Comments at 48. It may, however, increase the airline's costs for operating its website and internal reservations system. The record does not provide a basis for a careful analysis of the possible competitive effects of the systems' use of such services. We would need more information and comments from more interested persons before adopting a rule like that requested by America West. Barring systems from obtaining fare information from other sources for their subscribers could also present difficult questions of intellectual property law.

(e) *Non-Discrimination Clauses.* We are not adopting the proposal that would bar systems from enforcing any prohibition against an airline's discrimination against its subscribers. The proposal would effectively allow airlines to treat a system's subscribers differently from subscribers to other systems if the difference in treatment was based on the system's providing lower quality service, or charging higher fees, than other systems.

Several commenters complain that the language was ambiguous and would lead to problems of interpretation. *See, e.g.*, Amadeus Comments at 40–41; Amadeus Reply Comments at 53. Delta argues that the rule would be unnecessary if airlines could deny a disfavored system access to webfares. Delta Comments at 41–42. The Justice Department recommends against the adoption of the proposal, in part on the grounds that the contract clause that led to the proposal had not been used. Justice Department Reply Comments at 27. Continental, on the other hand, supports the proposal. Continental Comments at 14–16. ASTA objects to our proposal on the ground that travel agencies should not be used as weapons in disputes between an airline and a system. ASTA Comments at 42–43.

We continue to believe that an airline should be able to offer better service to the subscribers of one or a few systems without having to offer the same service to the subscribers of every system. An airline's ability to take such action could be used to encourage travel agencies to use the system that offers the airline better terms and lower prices for participation. However, commenters did not express strong support for the rule proposal, and the proposal's qualification that the difference in treatment should be based on lower fees and poorer service could create disputes about whether those conditions were met. Moreover, we think the rules barring systems from demanding access to all fares as a condition to participation will be a more effective and practicable means of providing airlines some additional bargaining power. In addition, no system thus far has enforced such a clause. If a system does so in circumstances suggesting that the system seeks to maintain its market power and deny an airline some bargaining leverage, we will consider taking enforcement action under section 411.

6. Equal Functionality

In our last reexamination of the rules, a number of commenters had complained that the systems engaged in architectural bias in an effort to obtain more bookings for their owner airlines. Architectural bias means the creation of system design features and functions in a way that enables travel agents to obtain information and make bookings on the owner airline more reliably and quickly than on other airlines. These features caused travel agents to book the favored airline in cases where another airline provided service that satisfied the customer's needs better. 57 FR 43810–43811. As a result, we adopted several rules designed to equalize the functionality for owner and non-owner airlines. We required systems to give all participating airlines equal access to enhancements and to provide equal treatment on the loading of information, and we prohibited systems from using default features that favored the owner airline. 57 FR 43814–43816. Because these rules had been effective, and because no one complained that they were unduly burdensome or unnecessary, we had proposed to readopt the equal functionality requirements without change. 67 FR 69398. On the other hand, we also proposed to eliminate the rule that essentially requires equal booking fees.

The Justice Department contends that we should eliminate the equal functionality rules, except for a rule requiring equal treatment on the loading of information. The Justice Department reasons that airlines should be able to bargain for special functionality as well

as lower fees. Justice Department Reply Comments at 31–32. Amadeus alleges that allowing systems to sell special functionality to individual airlines will encourage innovation and efficiencies. Amadeus Reply Comments at 13–14.

We agree with the position taken by the Justice Department. Maintaining the rules requiring equal functionality would be inconsistent with our decision to end the rule barring discriminatory booking fees. Airlines and systems should be able to bargain over functionality along with fees. Eliminating the rule, moreover, could encourage a system to share in the cost and risk of developing new functions, as the Justice Department points out, Justice Department Reply Comments at 32:

> Such freedom might also allow CRSs greater leeway to share with airlines the development cost and risk of new functions. For example, an airline might be made the ''launch partner'' for a new CRS function and be granted a certain period of exclusivity in exchange for sharing in the development and testing cost for that function.

See also Amadeus Reply Comments at 13.

At the same time, the systems' interest in increasing revenues should encourage them to make new functionality available to all airlines, because doing so would increase their fee revenue. As Delta contends, systems have an interest in selling as much functionality as airlines will buy. Delta Comments at 19.

We will, however, maintain a requirement that each system provide participating airlines equal treatment in the care and timeliness with which information is loaded in the system, as suggested by the Justice Department. We agree with the Justice Department's position that ''it is difficult to imagine a legitimate business reason for differential treatment'' in the loading of information. Justice Department Reply Comments at 32. This requirement is essentially equivalent to the requirement that displays be unbiased. Any significant disparity in the loading of information would result in displays that did not equally list each airline's most up-to-date services and fares. *See* Justice Department Reply Comments at 8, n.9. We are not persuaded by Amadeus' argument that systems should be able to bargain with airlines over the timing of information loading. Amadeus Reply Comments at 14. A system's willingness to give some airlines preferential treatment on the loading of information would be akin to display bias. For example, if a disfavored airline instituted new discount fares, there could be a significant delay before the fares became available in a system, which would deny important information to travel agents and their customers and harm the airline's ability to compete with other airlines.

Under the current rule, systems must load information from participating airlines with the same care and timeliness as they do for an airline with a system ownership interest. However, because only Amadeus currently has airline owners, the rule does not cover the three systems with the largest market shares in the United States. To make the rule effective, we will revise it to require that systems load information for all airlines with the same care and timeliness. This change should not impose any significant burden on the systems.

7. The Mandatory Participation Rule

Under our mandatory participation rule, section 255.7, an airline that has an ownership interest of five percent or more in a system (a ''system owner'') must participate in competing systems at the same level at which it participates in its own system, if the other systems' terms for participation at that level are commercially reasonable, and must provide all systems with the fares that are commonly available to subscribers in its own system. We imposed this requirement because some U.S. airlines with an ownership interest in one system limited their participation in competing systems in order to encourage travel agencies in their hub cities to use their own system. Some airlines also withheld complete information on their fares and services from competing systems. U.S. systems have encountered similar conduct internationally by foreign travel suppliers that own or market a competing system. 56 FR 12608.

As a result of the U.S. airlines' divestitures of their system ownership interests, the only airlines currently subject to the rule are the three foreign airlines that own Amadeus: Lufthansa, Air France, and Iberia.

The commenters on our advance notices of proposed rulemaking disagreed over whether the rule should be kept, strengthened, or eliminated. Several major airlines and Orbitz argued that the rule was counterproductive, because it allegedly enabled systems to dictate terms for airline participation. Some other airlines and systems asserted that the rule should be maintained and extended to airlines that market a system, not just airlines with a significant ownership interest. Several commenters, including some travel agencies, argued that the rule should prohibit each system owner from denying access to its corporate discount fares to travel agencies that do not use its system. They argued that a system's airline owner could effectively compel travel agencies to use its system by denying them access to its corporate discount fares if they used a different system, even though the airline fully complied with the mandatory participation rule. *See, e.g.*, Amadeus Comments at 88–89.

We proposed to end the mandatory participation requirement because some airlines might then be able to bargain for better terms for participation in return for participating at higher levels. However, we also invited comment on whether the rule should be kept and, if so, whether it should cover airlines that market a system and require owner airlines to make their corporate discount fares saleable through competing systems. 67 FR 69395.

Orbitz, Alaska, American, Delta, and Northwest support the proposed termination of the mandatory participation rule, but Amadeus, Galileo, Southwest, U.S. Airways, and ASTA contend that we should readopt the rule.

We have determined to end the mandatory participation rule as proposed. The rule was adopted, as noted above, when airlines owned each of the systems. The rule was intended to keep airlines that owned a system from using their dominance of regional airline markets to distort competition in the CRS business. Because no system is now owned by U.S. airlines, the rule currently has no practical effect on competition. The rule would have an impact if Orbitz goes ahead with its plans to enter the CRS business, since Orbitz'' five airline owners would then become subject to the rule, but Orbitz has said that it will not begin operating as a system if doing so would trigger an obligation to comply with the mandatory participation rule. Transcript at 78–79.

More importantly, the rule limits the ability of owner airlines to bargain for better terms with the systems. If such an airline could credibly threaten to reduce its participation level in a system, it would have some leverage for obtaining lower fees or better service. The rule eliminates that option. As the Justice Department states, if the rule is eliminated, ''the airline would therefore be in a better position to negotiate lower booking fees or to drive bookings toward lower-cost outlets.'' Justice Department Reply Comments at 23.

We do not expect the rule's termination to cause significant harm to airline competition or consumers. As noted, the rule currently covers only the

three European airlines that own Amadeus. If airlines with CRS ownership interests take advantage of the rule's termination to lower their participation level in one or more systems, the travel agents using those systems may be unable to perform the full range of booking functions for those airlines. In the unlikely event that such an airline withdrew entirely from a system, the system's subscribers would then be unable to use the system to obtain complete schedule, fare, and availability information for that airline and make a booking. The travel agency's operations would be less efficient. However, airlines generally have no obligation to participate in every distribution channel, and Southwest and JetBlue, for example, only participate in Sabre.

We think it unlikely that airlines will make radical changes in their participation levels as a result of the termination of the mandatory participation rule, despite efforts by owner airlines in the past to put competing systems at a disadvantage by lowering their participation level. The revenue needs of the major network airlines, as discussed above, require them to participate in every distribution channel used by a substantial number of potential customers. Transcript at 140. Galileo thus states that the behavior of airlines that are not subject to the rule is generally the same as the behavior of those that are. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 64. The marketing needs of the larger network airlines, moreover, require them to participate at a high level in every system. Amadeus alleges that every major network airline currently participates in each system at the highest level. Amadeus Reply Comments at 24. Several of Orbitz' owner airlines have agreed to make their webfares saleable through Sabre and Galileo, even though doing so reduced one of Orbitz' principal competitive advantages, the superior access that it has had to those fares.

Furthermore, our fundamental goal is the promotion of competition between airlines, which will help consumers, not the promotion of competition between CRSs for travel agency subscribers. 67 FR 69394–69395. Due to the ownership changes and technological changes in the CRS business, competition between the systems is no longer a direct form of airline competition. 67 FR 69406. The mandatory participation rule, designed to promote competition in the CRS business, has thus lost its importance for strengthening airline competition.

In that regard, the record does not show that ending the mandatory participation rule will reduce airline competition. Galileo and US Airways predict that an airline affiliated with one system that dominates a regional airline market (Delta in Atlanta, for example) will lower its participation level in other systems so that its affiliated system will dominate the CRS business in that area. Other airlines serving that area will then be subject to the additional market power thereby obtained by that system. Galileo Comments at 16–18; US Airways Comments at 18–19. This theory assumes that Delta could actually lower its participation level substantially in other systems. Delta contends that it could not take such action. Delta Reply Comments at 39. Delta is probably correct. The competing systems will be the major systems in other areas served by Delta flights. Because lowering its participation level in those systems would cost the airline bookings in those areas, the airline is unlikely to drastically reduce its participation levels in competing systems.

We recognize that maintaining the mandatory participation rule could make fare information more widely available, if some U.S. airlines again became system owners. *See, e.g.*, Large Agency Coalition Comments at 38–39; ASTA Comments at 45; AAA Comments at 2. Imposing such a requirement on airlines, however, would unreasonably restrict their ability to bargain for better terms for participation.

Finally, making the mandatory participation rule effective would require expanding it to require each owner airline to provide every system with access to its corporate discount fares. Galileo Comments at 21–22. The current rules arguably do not require airlines to make those fares available to rival systems, yet experience has shown that an airline can effectively compel a travel agency operating in geographic areas dominated by that airline to choose the airline's affiliated system by allowing the agency to sell the airline's corporate discount fares only if it uses that system. *See, e.g.*, Amadeus Comments at 88–90. Similarly, if the rule were readopted, it should arguably cover airlines that market a system, because they may have incentives to limit participation in competing systems. 67 FR 69395; Amadeus Comments at 50–52; Galileo Comments at 19–20 and Guerin-Calvert, Jernigan, & Hurdle Declaration at 69–70.

We are unwilling to engage in such additional regulation. The mandatory participation rule, if maintained, would unreasonably limit airline opportunities to bargain for better terms for system participation, and the rule, as shown, no longer appears to be necessary to promote airline competition.

8. Booking Fees

(a) *Background.* The rules have always prohibited each system from charging unreasonably discriminatory booking fees, § 255.6(a). The Board adopted that prohibition because some systems charged discriminatorily high fees to airlines competing with the system's owner. On the other hand, the Board did not regulate the level of booking fees. The Board anticipated that some major airlines would have bargaining leverage which could be used to keep systems from charging unreasonably high booking fees. 49 FR 32543, 32551–32554.

When we last reexamined the rules, we maintained the prohibition against discriminatory booking fees and declined to adopt any rule that would directly limit fee levels, for example, by requiring fees to be reasonable or cost-based. 57 FR 43816–43818. At that time, of course, one or more airlines controlled each system and would have an incentive to charge competing airlines unreasonably high fees.

In their comments on the advance notices of proposed rulemaking, a number of airlines complained that booking fees are too high and that the systems also charge fees for transactions that are allegedly illegitimate and of no value to airlines. *See* 67 FR 69398. We declined to make proposals that would further regulate booking fees. We again concluded that regulating fee levels would be impracticable. We decided against regulating the systems' arrangement of participation levels, even though some airlines had complained that the systems unreasonably declined to provide some service features (E-ticketing, for example) unless the airline agreed to buy other services which unduly raised its fees. 67 FR 69399–69400. We tentatively agreed with the complaining airlines that the systems' past practice of charging booking fees for one category of transactions, passive bookings, appeared to be unreasonable, but the record indicated that the systems had reformed their practices in a way that made the reasonableness of those charges moot. 67 FR 69400–69401.

Rather than continue to regulate fees, we proposed to eliminate the rule prohibiting unjustly discriminatory fees (and the mandatory participation rule) on the basis that doing so could give some airlines bargaining leverage against the systems. As we noted, in most unregulated industries a firm is free to demand better terms from its suppliers, even if its competitors cannot

obtain the same terms. The rule barring discriminatory fees may limit the ability of individual airlines to negotiate for better terms and thus limit the operation of market forces in the CRS business. 67 FR 69399.

We also invited commenters to address a zero fee rule, which would bar systems from charging airlines fees for participation. As shown, the systems compete for travel agency subscribers but not airline participants. Because travel agencies can choose between systems, the systems compete on price. A zero fee rule thus would cause the entire price for CRS services to be set by competitive market forces, although a major beneficiary of the CRS services would not be charged. We pointed out that such a rule could be disruptive, because the systems were obtaining the great majority of their revenues from airlines, not from travel agencies, and that it would enable airlines to obtain CRS services without payment. 67 FR 69399.

Amadeus, Galileo, America West, Midwest, and U.S. Airways oppose the proposal to eliminate the bar against discriminatory booking fees. Orbitz and its owner airlines support the proposal, as do several foreign airlines. Ass'n of Asia Pacific Airlines Comments at 6; British Airways Comments at 8; Lufthansa Comments at 3; Qantas Comments at 1. The Justice Department supports the proposed elimination of the rule. The Justice Department additionally suggests that the zero fee could be beneficial but is not recommending the adoption of any booking fee rule now. Justice Department Reply Comments at 3, 32–34. American, America West, and U.S. Airways urge us to adopt a zero fee rule.

(b) *Final Decision.* We are eliminating the prohibition against discriminatory booking fees, as we proposed, and not adopting a zero fee rule.

Because no system is now controlled by U.S. airlines, a system's decision to charge one airline lower fees than another airline cannot fairly be characterized as discrimination. The differences between the fees charged one airline and those charged other airlines should not be viewed as discriminatory. A more accurate term would be differential pricing, for firms in other industries commonly charge different customers different prices. Any difference in prices will reflect market forces, not a seller's decision to arbitrarily discriminate against some buyers in favor of others.

Eliminating the rule barring differential booking fees should enable some airlines to bargain for lower fees. Though most airlines must participate in each system in order to make their services readily saleable by the travel agents using that system, each system has an incentive to obtain the participation of all important airlines, because travel agencies will be less inclined to use that system if those airlines participate only in the system's competitors. Furthermore, an airline's level of participation is important to travel agencies, because a travel agency can make bookings more reliably and quickly on airlines that participate at a higher level, and can use other service features that are important to agency customers. 62 FR 59793. We recognize, in view of our findings that each system has market power, that even the largest airlines may have little leverage to obtain lower fees despite the elimination of the rule. Nonetheless, eliminating the rule may provide some benefits.

On the other hand, the systems' ability to charge different airlines different fees should not significantly harm competition or consumers. We understand that airlines will not have an equal ability to bargain for lower fees. The Justice Department thus states, ''[R]emoving the prohibition against discriminatory booking fees would inevitably result in carriers with less bargaining power having higher CRS costs than others.'' Justice Department Reply Comments at 33. As we stated in our notice, ''In most unregulated industries a firm is free to demand better terms from its suppliers, even if its competitors cannot successfully obtain the same terms.'' 67 FR 69399. Differential pricing is widespread in other industries, including industries supplying other products and services to the airline industry, such as aircraft manufacturers. United Reply Comments at 40–41.

We disagree, moreover, with the commenters who argue that only the large airlines will benefit from the elimination of the prohibition against differential fees. *See, e.g.*, America West Comments at 24. An airline's ability to obtain lower fees will depend in part on its own need to participate in a system. An airline like Southwest that does not rely heavily on the travel agency distribution channel—and thus on the systems used by the travel agencies—should have substantial bargaining leverage. Smaller airlines that are large players in a region (Alaska in the Far West, for example) should also have some leverage, because a system will be less able to win subscribers in that region if such an airline does not participate. American Comments at 18–19 and Dorman Declaration at 9–10; Sabre Reply Comments at 76. Because the systems charge fees based on the volume of transactions, not on ticket prices, they should value participation by low-fare airlines, whose low fares generate more passengers and thus a higher volume of bookings. Sabre Comments, McAfee and Hendricks Declaration at 58. Even if only the larger airlines benefit from this rule change, as assumed by many commenters, the result would be consistent with practices in other industries.

We doubt that the resulting differences in fees paid by different airlines will be substantial. Galileo states that the fees charged other travel suppliers do not vary by much. Transcript at 60. Although airlines are more dependent on the systems than are other travel suppliers, and although travel agents rely on the systems more for airline bookings than they do for other travel bookings, any differences in fee levels between airlines seem unlikely to be very large. We do not expect the systems' fee practices to duplicate those followed before the Board adopted the original rules. At that time there were substantial differences between the fees charged favored airlines and those charged disfavored airlines. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 60. Each system then was owned by one U.S. airline and had incentives to charge its owner's competitors unusually high fees in order to prejudice their ability to compete. Systems without U.S. airline owners should not have similar incentives. Sabre Comments, Salop & Woodbury Declaration at 26–30 and McAfee & Hendricks Declaration at 53–59.

We have determined not to readopt the rule barring differential booking fees on economic policy grounds. However, our authority to prohibit unfair methods of competition would not authorize us to readopt the rule, given the factual information and policy arguments in the record. Firms in other industries are not required to charge all customers the same price, and, as the Justice Department points out, a firm's offering of preferential terms to selected customers is not necessarily anti-competitive. Justice Department Reply Comments at 33, 34, n.39. The systems neither are owned by U.S. airlines nor compete in the airline business. The record does not show a likelihood that systems would charge some airlines discriminatorily high fees in order to prejudice airline competition. These circumstances would not support a finding that a system's willingness to give some airlines, but not others, lower fees is an unfair method of competition in violation of section 411.

While a number of foreign airlines supported the proposed elimination of the rule barring differential booking fees, a few opposed it, in part on the ground that the rule is required by the United States' commitment in bilateral air services agreements to prevent systems from treating foreign airlines discriminatorily. Air France Comments at 6. This issue is discussed below in the section on international issues.

Because we are ending the rule prohibiting differential pricing, we are not readopting the requirement that a system treat all non-paying airlines the same, § 255.11(a). When the rules do not require equal treatment for airlines paying booking fees, there is no reason to require equal treatment for airlines that do not pay booking fees.

We will not adopt a zero fee rule. As discussed in our notice of proposed rulemaking, adopting a zero fee rule would present serious practical difficulties. The only commenters now supporting a zero fee rule—American, America West, and U.S. Airways—have not convinced us that these difficulties are negligible. A zero fee rule would enable airlines to get system services for free, which would encourage all airlines to choose the highest level of participation. That would discourage systems from improving the services offered participating airlines. Sabre Reply Comments, Salop & Woodbury Declaration at 28; Worldspan Reply Comments at 22–23. A zero fee rule would also worsen the travel agency industry's financial position, because the systems would be forced to obtain all of their revenues from travel agencies. ASTA Reply Comments at 15–16. American and America West suggest that the impact on travel agencies can be adequately mitigated by phasing in the zero fee rule. America West Comments at 21; American Comments at 23–24. We disagree. A zero fee rule, even if phased in, would still shift a substantial cost burden unto travel agencies.

In addition, American, America West, and U.S. Airways essentially argue that a zero fee rule would create a more rational result in terms of economic efficiency: the systems' fees would be disciplined by market forces if the systems could impose fees only on the users who can choose between systems. America West Comments at 16–21; American Comments at 20–24; U.S. Airways Reply Comments at 7–8. Even if this economic efficiency argument is valid, we have no authority under section 411 to regulate business practices to create a more competitive or efficient industry, if the practices at issue do not violate the antitrust laws or antitrust principles. *Cf. E.I. Du Pont de Nemours & Co.* v. *FTC*, 729 F.2d 128 (2d Cir. 1984). That statute authorizes us only to prohibit practices that violate the antitrust laws or antitrust principles, and the systems' exercise of their ability to charge monopoly-level prices to one set of users—airlines—does not violate antitrust principles or the antitrust laws.

A few commenters ask us to take action on one other issue, the systems' charging of booking fees for passive bookings. *See*, *e.g.*, America West Comments at 9–10. Our notice tentatively concluded that the systems' past practice of charging participating airlines for passive bookings appeared to be unreasonable, because passive bookings did not normally benefit airlines and because the incentive payment programs included in the systems' subscriber contracts seemed to encourage travel agents to make unnecessary passive bookings in order to meet the programs' minimum booking quotas. We decided not to propose any rules on this issue, because the record indicated that the systems had stopped charging booking fees for passive transactions. 67 FR 69400–69401. We additionally noted that a rule barring systems from charging fees for passive bookings would likely cause the systems to increase other fees to offset the revenue loss. 67 FR 69401.

The comments suggest that the systems have either stopped charging fees for passive bookings or taken other steps that have substantially cut the number of passive bookings. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 77–78; Sabre Comments at 111, 149; ASTA Comments at 33. Sabre represents that only seven percent of its total bookings consist of passive bookings. Sabre Comments at 149. Although America West contends that the rules should bar the imposition of fees for passive bookings, America West also states that passive bookings constituted 1.4 percent of its booking fee liability in 2002. America West Comments at 10. The airlines supporting restrictions on fees for passive bookings have not shown that the fees charged for passive bookings are so serious a problem that a rule is necessary. ASTA alleges that airlines take disciplinary action against travel agents who make abusive bookings through the passive booking function or otherwise. ASTA Comments at 33. Furthermore, as we noted in the notice of proposed rulemaking, limiting the systems' fees for passive bookings is unlikely to reduce a participating airline's total CRS costs. America West has conceded as much. America West Comments at 10.

9. Booking Fee Bills

Our rules require the systems to provide booking fee bills in sufficient detail so that participating airlines can audit the accuracy of the systems' charges. We adopted this rule largely to keep systems from evading the prohibition against discriminatory booking fees by imposing false charges on disfavored airlines. We stated, ''The rule requiring [systems] to provide enough information to allow the auditing of bills for fees is accordingly essential to maintain the rule banning discriminatory booking fees.'' 57 FR 43819.

We initially proposed to readopt this rule. 67 FR 69401. However, our decision to eliminate the predicate for the rule—the prohibition against discriminatory booking fees—removes the rationale for continuing to prescribe requirements for booking fee bills.

We assume that the systems may stop providing airlines with information that would enable them to audit the accuracy of their booking fee bills. However, as discussed above in connection with other rule proposals, section 411 does not allow us to regulate system practices in order to improve efficiency or prevent unattractive behavior. We cannot readopt this rule under section 411 unless we find that it is necessary to prevent unfair methods of competition. A firm's refusal to provide adequate billing data would not normally be an unfair method of competition. We adopted the billing data requirement when airlines controlled the systems and would engage in practices that would prejudice competing airlines. Because the systems no longer are owned by U.S. airlines, we see no basis at this time for a finding that a system's refusal to provide enough information backing up its bills would be an unfair method of competition.

10. Other Participating Carrier Contract Rules

The current rules have two other provisions governing contracts between systems and participating airlines that we are not readopting. Section 255.6(b) prohibits systems from conditioning participation on the purchase or sale of other goods and services, a provision adopted by the Board due to efforts by some systems to impose additional costs on airlines competing with a system's owner airline. 49 FR 32554–32555. Section 255.6(c) states that a system may condition participation in its system in the United States on the airline's agreement to participate in that system or affiliated systems in other

countries, if those systems do not use any factor related to carrier identity in their displays and if the fees will be non-discriminatory.

In keeping with our overall decision against readopting most of the existing rules, we will not readopt these rules. The rule barring the tying of system participation with the purchase of other goods and services should be unnecessary if no system is owned or controlled by a U.S. airline. In addition, readopting the rule would be inconsistent with our decision that we should end the prohibition against differential booking fees. When we are not requiring systems to charge equal fees, we should not tell them what other conditions may be required for participation unless, as is true of parity clauses and clauses requiring access to all publicly-available fares, the condition would entrench the systems' existing market power over airlines.

For similar reasons, we are not maintaining the rule limiting the systems' ability to require worldwide participation. It is not clear to us on the basis of this record that this practice would be comparable to unlawful tying under the antitrust laws.

However, if demands by a system that participating airlines purchase unrelated goods and services as a condition to participation or that they participate on a worldwide basis are likely to reduce competition in the airline or airline distribution businesses, we can take appropriate action under section 411 to block the system from enforcing such demands.

11. Marketing and Booking Data

(a) *Background.* Systems generate valuable data from the bookings made by their subscribers. The data show how many bookings are being made by individual travel agencies on individual flights operated by each airline in each market. The information can enable anyone using it to analyze the traffic in individual airline markets and the booking patterns of individual travel agencies. 67 FR 69401–69402.

Section 255.10 of our rules requires each system to make available to all participating airlines the marketing and booking data that it chooses to generate from bookings made by system users. The rule does not restrict the systems' prices for the data. 57 FR 43820–43821.

While the rule does not require a system to generate any data, the systems have found it profitable to sell data to airlines (the usual term for the data is MIDT data) (for a description of the data sold by one system, see Amadeus Comments at 62–64). Initially almost all of the airlines purchasing the data were large airlines. In recent years, the systems have created smaller sets of data that would be attractive to smaller airlines. 67 FR 69402; Transcript at 176; United Reply Comments at 87. The information sold by the systems does not include fare amounts or information identifying individual passengers. Justice Department Reply Comments at 35, n.40; Transcript at 175–176; Amadeus Reply Comments at 47.

The rule also does not bar systems from providing data to anyone outside the airline industry. The rule blocks systems from providing data to any foreign airline that owns or controls a system in a foreign country, if that system does not provide comparable data to U.S. airlines. The rule further prohibits airlines receiving data derived from international bookings from giving anyone access to the data, except to the extent that an airline uses an outside firm to process the data, unless the system provides access to other persons.

(b) *Proposals and Comments.* The systems' sale of the data has been controversial. In their comments on our advance notices of proposed rulemaking, the systems selling the data and the airlines buying the data alleged that airlines use the data for legitimate pro-competitive purposes. These airlines stated that they rely on the data for marketing research and route development purposes, to make decisions on pricing and revenue management, and to implement their override commission and corporate discount fare programs, which typically require travel agencies and corporate customers to give an airline a certain share of their total business in order to receive the additional commissions or discount fares. Some smaller airlines and travel agencies, however, complained that the airlines purchasing the data (typically large airlines) use the information to determine which travel agencies have been selling tickets on a competitor and then pressure agencies into cutting back their bookings on rival airlines. Travel agencies contended that they should have control over access to the data created by their use of a system. 67 FR 69402.

Although we recognized the data's legitimate pro-competitive uses, our concern that the data could be used in anti-competitive ways led us to propose restrictions on airline access to the data in our notice of proposed rulemaking. The possible restrictions included the denial of access to the data on any airline's bookings if that airline objected to the disclosure of that information to any other airline or the denial of access to data showing the bookings made by any individual travel agency. Because airlines had legitimate uses for the data, we stated that any restrictions on access should be as few as possible to avoid interference with the data's legitimate uses. We noted, moreover, that any restrictions on access arguably should be limited to data on domestic travel. The complaints about the alleged misuse of the data all involved domestic markets. In addition, while airlines could obtain comparable data on domestic markets from other sources, comparable data appeared to be unavailable for bookings for international travel. 67 FR 69401–69404.

Our proposed rule would govern only the data derived from bookings made by travel agencies. We did not propose to regulate the availability of data derived from bookings made by corporate travel departments (or anyone else using a system to book airline travel).

America West, Southwest, the Air Carrier Association of America (a low-fare airline trade association), and some travel agencies support the proposed restrictions. The larger U.S. network airlines, the systems, firms processing the data for airlines that buy the data (DOB Systems and Shepherd Systems), and a number of foreign airlines (Lufthansa, Qantas, and Virgin Atlantic, for example) oppose the proposals. Several travel agency commenters favor restrictions on access to the data. ASTA Comments at 40–41 (each travel agency should be able to block access to data on its bookings); Carlson Wagonlit Comments at 12–15; Large Agency Coalition Comments at 36. NBTA alleges that the airlines' access to the data makes it harder for corporations to negotiate more favorable air transportation contracts. NBTA Comments at 21. The Justice Department opposes the proposals, because the record does not show that access to the data is causing significant competitive harm and because the proposed restrictions would interfere with the data's pro-competitive uses. Justice Department Reply Comments at 34–36.

The commenters disagree over whether comparable data are now available from other sources, or soon would be. Some commenters claim that equivalent data will become available. Amadeus Comments at 66, 73; Shepherd Systems Comments at 10–11. Other commenters argue that the type of data provided by the systems is not available from other sources. Delta Comments at 24; United Comments at 35–36.

(c) *Final Rule.* We have decided not to adopt a rule restricting access to the data. Given our decision that only rules that are necessary to prevent anti-

competitive practices should be readopted, we will also eliminate the existing rule requiring systems to make data available to all participating airlines.

We remain concerned over the possible misuse of the data. However, the record does not adequately demonstrate that the data's availability causes competitive harm that would justify the adoption of the proposed restrictions. The airlines obtaining the data have legitimate uses for the information. *See, e.g.*, Justice Department Reply Comments at 34–35. If necessary, and supported by concrete evidence, individual enforcement actions would be the better means for addressing any airline's anti-competitive usage of the data.

Adopting a rule restricting access to information that is currently available would require substantial evidence in the record that airlines have used the data in ways that have significantly harmed airline competition. The record does not contain such evidence, although several commenters have stated that large airlines do use the data to compel travel agencies to stop buying tickets for their customers on competing airlines, or that the data could be used for that purpose. Transcript at 216–217; America West Comments at 29; Carlson Wagonlit Comments at 14. The use of the data to compel travel agencies to stop selling tickets on rival airlines may constitute an unfair method of competition. However, no airline has submitted evidence showing that it has lost a significant amount of bookings from travel agencies who had been subjected to pressure from large airlines, nor has any commenter estimated how widespread or frequent are the alleged anti-competitive practices. We could not adopt a rule that effectively reduced the data's benefits without detailed evidence showing significant harm to competition.

We recognize that such evidence may be hard to obtain, because travel agencies will be reluctant to complain about alleged mistreatment by an airline due to the airline's ability to retaliate. Transcript at 216–217; ASTA Reply Comments at 20–21. However, none of the low-fare airlines provided an estimate on the basis of its own experience how many travel agencies were coerced into ending their bookings with that airline, and that the data purchased from the systems were the source of the airline's information on the travel agency bookings. We note as well that American has flatly denied that it used the data to deter travel agencies in the Dallas area from booking Legend, a new entrant airline operating from Dallas' Love Field. American Comments at 46. That denial contradicts the statements made by Legend to Department staff members that were summarized in the notice of proposed rulemaking. *See* 67 FR 69403. Delta denies that it has ever misused the data. Transcript at 130. Virgin Atlantic, the target of British Airways' efforts to keep travel agencies from booking British Airways competitors, efforts not based on access to CRS data, argues that access to the data should not be restricted. Virgin Atlantic Comments at 4–6. The Justice Department contends that the lack of fare information means that the data cannot be used to coordinate fares. Justice Department Reply Comments at 35, n.40. A number of foreign airlines, which should have less leverage with U.S. travel agencies than the large U.S. network airlines, oppose the proposed restrictions and allege that the data tapes are valuable to them. Asociación Internacional de Transporte Aeéreo Latinoamericano Comments at 4; Ass'n of Asia Pacific Airlines Comments at 7; British Airways Comments at 12; LAN Chile Comments at 7; TACA Comments; Virgin Atlantic Comments.

In addition, any harm resulting from the continued sale of the data should diminish. The airlines most interested in limiting access to the data, the low-fare airlines, are shifting their bookings away from the travel agency distribution channel. The low-fare airlines have operated much more profitably in recent years than the network airlines, who wish to continue buying the data. The low-fare airlines arguably would be more successful if the availability of the data has caused them substantial competitive harm, but their relative success despite the network airlines' access to the data is a further reason why the record does not convincingly show that the proposed rules are necessary.

On the other hand, the commenters opposing restrictions on the data allege that the data provide invaluable information used for a variety of pro-competitive purposes. A number of smaller airlines buy the data, as do foreign airlines serving the United States. *See, e.g.*, Amadeus Comments at 64; Shepherd Systems Reply Comments at 11–12. Airlines use the data to learn when competitive responses are necessary to increase their market share (responses such as fare reductions or service increases), to check the relative attractiveness of their schedules, and to see developing demand trends. Delta Comments at 22; United Comments at 32; US Airways Comments at 13; Shepherd Systems Comments at 4. As Delta puts it, ''We also use [the data] to identify market trends to determine where we should be offering lower fares, sales, more aggressive competition.'' Transcript at 130. American, moreover, represents that it relied on the data in its recent broad-scale restructuring of its route schedules. American Comments at 40. The proposed rules would interfere with these uses of the data. If individual airlines were allowed to opt out of the data, the resulting data including only bookings on the airlines that agreed to the release of data on their bookings would give an incomplete picture of many markets. Amadeus Comments at 64; United Comments at 34; United Reply Comments at 95–98; DOB Systems Comments at 1–2. This restriction, moreover, would not directly address the problem identified in the notice of proposed rulemaking, the large airlines' alleged use of the data to pressure travel agencies to stop selling tickets on competing airlines. 67 FR 69402–69403.

A restriction barring the release of data on bookings by individual travel agencies could undermine the value of the data for overall market planning and research. While airlines could still obtain aggregate data from each system for local and regional markets, the systems do not use the same geographic areas in their sorting of the data. The data from the four systems could not practicably be combined for any local market due to the lack of common market definitions. Shepherd Systems Comments at 11–12. Some airlines allege that they would no longer buy the data tapes if we adopted our proposed restrictions. Lufthansa Comments at 6, 8; Qantas Comments at 2.

Denying access to data on bookings by individual travel agencies would make the data useless for monitoring the performance of individual travel agencies under the airlines' incentive commission agreements, which enable travel agencies to obtain larger commission payments from an airline as it obtains a larger share of the agency's business. The major airlines' use of override commissions has raised competitive concerns, but we have not previously found that such incentive commissions are unlawful. 67 FR 69404. Without such a finding, we could not easily block airlines from obtaining the data needed to measure the performance of those travel agencies that have incentive commission agreements. ASTA Comments at 40.

Restricting access to the data would impose other costs as well. Obviously the firms that process the data for airlines would lose a substantial amount of business. Shepherd Systems Comments at 12; DOB Systems

Comments at 2. Much of the investments made by systems and airlines in developing the ability to process and use the data would be lost. American estimates that it has invested $15 million in the last five to six years building systems that use the data. American Comments at 38. And the systems would lose the revenues now obtained from selling the data.

Some commenters argue that the data tapes are unnecessary, because any airline can assertedly see market trends and the effectiveness of its sales efforts from data on its own bookings. Air Carrier Ass'n Reply Comments at 9–10. Although we tentatively believed that airlines did not need to see data on the success of their competitors' marketing efforts, 67 FR 69403, the comments have persuaded us that an airline reasonably needs to see data on the entire market in order to assess the effectiveness of its own marketing efforts. Data on an airline's own sales will not show overall market trends or enable an airline to compare the effectiveness of its marketing efforts with those of other airlines.

Some commenters charge that airlines use the data at times to ''poach'' customers from other airlines. Transcript at 237–238; ASTA Reply Comments at 20–21. The data, however, contain no information identifying individual passengers. An airline can often identify a corporate customer from the data, because corporations frequently have an on-site travel agency location. Transcript at 238. In any event, while poaching may be unethical, it may benefit travelers, because the poacher presumably has to offer more attractive terms to the travelers or their travel agencies in order to get them to switch. Transcript at 237.

We have also decided to eliminate the existing rule, which requires systems to make any data generated from subscriber bookings available to all participating airlines. The systems appear to be eager sellers of data. Because no system is currently owned or controlled by U.S. airlines, the systems should have no incentive to refuse to sell the data to any airline willing to buy the data. The systems should have incentives to sell as much data as airlines will buy. Delta Comments at 20. The rule thus is no longer necessary.

Eliminating the existing rule will also eliminate the restrictions on providing any data to a foreign airline that owns or controls a system in a foreign country that does not make comparable data available to U.S. airlines, section 255.10(b). We are not readopting these restrictions. The U.S. airlines that provide the most international service have not specifically asked us to maintain this restriction, and one of them, United, has argued that we should eliminate all of the CRS rules. The statutes administered by us, however, give us the authority to take countermeasures when a foreign airline engages in discriminatory conduct that injures U.S. airlines. 49 U.S.C. 41310. The termination of the rule will not affect our authority and willingness to take steps necessary to end discriminatory conduct by foreign firms.

12. Third-Party Hardware and Software

In an effort to give travel agencies a greater ability to access multiple sources of airline information and booking channels, in our last overall reexamination of the CRS rules, we adopted rules allowing travel agencies to use their own hardware and software in conjunction with a system and to access any database with airline information or booking facility for airline services from that equipment. If the travel agency instead obtains its equipment from the system, the rule allows the system to determine whether the subscriber may access other databases or booking channels from that equipment. 57 FR 43796–43800.

We adopted these rules because the systems then barred their subscribers in the United States from using their own equipment and from accessing any other database or system from the equipment provided by the system. While travel agencies could obtain additional equipment from another source if they wished to access alternative electronic sources of information and booking capabilities, doing that would be inefficient. In adopting the rules, we reasoned that the travel agents' ability to access different systems and databases efficiently could enable airlines to obtain bookings from travel agents that would bypass the systems, which would place some market pressure on the systems' terms and prices for airline participation. *See* 67 FR 69390–69391.

Experience has shown that these rules in recent years have been effective in important respects. 67 FR 69391. Many travel agencies have been acquiring their own equipment, and subscribers are using their equipment, whether or not owned by a system, to access the Internet and other booking channels, as discussed above in our review of current industry conditions. However, travel agents are not making a significant share of their airline bookings through the Internet or other channels outside the travel agency's primary system. As discussed above, the commenters in this proceeding generally agree that travel agencies will rarely be willing to make airline bookings outside their primary system due to the inefficiency of doing so, even when travel agents can access the Internet from the same equipment used to access their primary system.

In our notice of proposed rulemaking, we proposed to readopt the rule and to strengthen it by eliminating a system's ability to keep subscribers from using system-owned equipment to access other systems and databases. 67 FR 69391. We also invited comment on whether we should adopt a rule preventing systems from discriminating against subscribers who used a back-office system in conjunction with bookings made outside a system and from charging discriminatorily high fees to subscribers who bought their own equipment. 67 FR 69392.

We have decided, in line with our overall approach in this proceeding, not to readopt the rule. We recognize that the rule has had pro-competitive effects and that any restrictions on a subscriber's acquisition of third-party hardware and software or on a subscriber's use of any equipment to access other systems or databases or booking channels would likely present competitive concerns. However, market developments have made the rule unnecessary.

ASTA states that it knows of no evidence that systems now discourage travel agencies from getting their own equipment. ASTA Comments at 14–15. Sabre represents that it is withdrawing from the equipment-leasing business and that most Sabre subscribers have their own equipment. Sabre Comments at 19–20, 131. Amadeus similarly states that most of its subscribers own their own equipment, and it alleges that it does not restrict its subscribers from accessing other databases and booking channels when they use equipment provided by Amadeus. Amadeus Comments at 45. Notwithstanding these statements from Sabre and Amadeus, most travel agencies continue to use equipment provided by a system. Orbitz Comments at 56. However, the record does not indicate that systems in recent years have been placing roadblocks in the way of subscriber efforts to use alternative booking channels. Even if Galileo and Worldspan subscribers have had less success in using third-party equipment (or in accessing other databases and booking channels), a travel agency that wants more flexibility in these areas should be able to obtain it by switching to Sabre or Amadeus.

Furthermore, as discussed above, the systems' subscriber contracts are giving travel agencies increasingly more flexibility. Recent experience indicates

that systems will be unable to impose contractual restrictions on their subscribers that would significantly restrict a travel agency's ability to use alternative sources of airline information and booking capabilities, due in large part to the travel agencies' increasing need to access the Internet. ASTA Comments at 14–15.

We are basing our decision to sunset the rules on third-party hardware and software on our expectation that doing so will not lead to anti-competitive behavior. Any unreasonable efforts by a system to restrict a subscriber's use of other systems or databases would presumably constitute an unfair method of competition. In any such cases we will consider taking appropriate enforcement action. We have full authority to prohibit systems (and airlines and travel agencies) from engaging in conduct that would violate section 411 even if we have no rule prohibiting that conduct.

13. Travel Agency Contracts

(a) *Background.* Since the first CRS rulemaking, the rules have regulated the systems' contracts with travel agency subscribers in an effort to give travel agencies a greater opportunity to switch systems or use multiple systems (or booking channels). The rules therefore prohibit certain types of travel agency contract clauses that would unreasonably restrict a travel agency's ability to use alternative systems, such as clauses requiring an agency to use an airline's affiliated system for all of its bookings on that airline or denying a travel agency commissions for bookings on an airline if not made through the airline's own system. The rules allow systems to offer travel agencies a contract with a five-year term as long as they also offer contracts with a term of no more than three years. The rules bar systems from imposing minimum use clauses (clauses stating that an agency's failure to make a certain number of bookings per month per terminal will constitute a breach of contract). On the other hand, the rules do not prohibit productivity pricing or the tying of access to an airline's marketing benefits to the travel agency's use of the system affiliated with that airline, nor do they bar systems from obtaining damages if a travel agency breaches its subscriber agreement by canceling it before the end of its term. 57 FR 43825–43828.

We regulated the systems' subscriber contracts, because practices that limit competition between the systems were likely to impair airline competition. An airline would be handicapped in entering new markets if its affiliated system could not obtain travel agency customers in the region. Furthermore, system contracts that restrict competition between systems (or keep travel agents from using alternative systems and booking channels) would entrench the systems' existing market power and keep airlines from finding alternative ways of conducting the functions provided by the systems. 57 FR 43823–43824. In addition, an airline that used its dominance of a region to obtain more subscribers to its system thereby would increase its dominance of the regional airline market. Justice Department Reply Comments at 9.

We have stated, however, that effective regulation would be difficult, and some restrictions on the relationships between a travel agency and a system or its airline owners might well be unenforceable or be evaded by the system. *See, e.g.*, 57 FR 43827 (restrictions on liquidated damages for breach of contract); 57 FR 43828 (prohibition against tying of marketing benefits with use of a system).

Our notice of proposed rulemaking proposed to readopt the existing rules on subscriber contracts and to make them stricter, although we recognized that the systems competed vigorously for travel agency subscribers. We requested comments on whether we should shorten the maximum permissible length of subscriber contracts, for example, by adopting the European Union rule which allows a subscriber to cancel its CRS contract on three months notice after the contract has been in force for one year. We asked whether we should restrict the types of damages obtainable by a system from a subscriber who cancels a contract before the end of the contract term and whether we should prohibit airlines from tying access to an airline's marketing benefits with the agency's use of the airline's affiliated system. We additionally invited comment on whether we should bar systems from demanding a new contract if they provided additional equipment to a subscriber during the term of an existing contract. And we proposed to restrict productivity pricing, a form of incentive pricing that appeared to encourage subscribers to use the system for all or almost all of their bookings. 67 FR 69406–69410.

We made these proposals because the record in this proceeding then suggested that the systems were effectively using these kinds of contract provisions to keep subscribers from using alternative booking channels. 67 FR 69405. However, our notice specifically requested more detailed information on the current relationships between travel agencies and the systems and on the systems' business practices. 67 FR 69406. We further noted that the U.S. airlines' divestiture of most of their system ownership interests was eliminating one of the bases for the regulation of subscriber contracts, the interest of an owner airline in obtaining subscribers for its system in cities that it planned to enter. 67 FR 69406. As we pointed out, ''[T]he systems compete vigorously for travel agency subscribers'' and ''the systems' competition for travel agency customers usually disciplines the price and quality of services offered travel agencies.'' 67 FR 69405.

The Justice Department recommends that we eliminate the rules on subscriber contracts. It contends that the travel agencies' unwillingness to use multiple systems means that any rules designed to encourage them to do so will be ineffective. The systems compete for travel agency subscribers, and ''behavioral rules that regulate the terms of CRS-subscriber contracts may be unnecessary because competition among CRSs for subscribers is apparently eliminating contracts that limit subscriber options.'' The existing rules also present significant enforcement problems. Justice Department Reply Comments at 28–29.

The travel agency commenters strongly oppose restrictions on the systems' incentive payments, which assertedly are essential for the survival of many agencies, although some support restrictions on the systems' ability to enforce the penalty provisions in their productivity pricing arrangements. *See, e.g.*, ASTA Comments at 35. The travel agency commenters represent that an individual travel agency will rarely be willing to use more than one system and that any rules intended to achieve that result will be ineffective and should not be adopted. Travel agencies generally favor some stricter subscriber contract rules. ASTA Comments at 30–35; Large Agency Coalition Comments at 36. Some argue in contrast that the rules should not limit travel agencies from obtaining whatever contract they wish. *See, e.g.*, AAA Comments at 2; Transcript at 241–242. ASTA, moreover, suggests that non-airline systems are not ticket agents subject to section 411, and the Large Agency Coalition asserts that it would prefer to have the rules terminate rather than have restrictions on the systems' incentive payments. ASTA Comments at 45–47; Large Agency Coalition Comments at 38. The travel agency commenters do not argue that subscriber contract rules are necessary to protect travel agencies against system demands for

unreasonable contract lengths or undue restrictions on the ability of travel agents to access other databases and booking channels.

Orbitz and several airlines argue that tougher rules are necessary, because the systems' existing contracts unreasonably keep travel agencies from switching systems. *See, e.g.*, Orbitz Comments at 46–49; Continental Comments at 17–20; Delta Comments at 41–42; America West Comments at 26–29.

Galileo supports the continuation of the existing rules, while Amadeus suggests that additional rules should be adopted.

(b) *Final Decision.* The updated information on industry practices provided by the comments has persuaded us that we should not adopt our proposed changes to the rules and that we should not readopt the existing rules. Rules generally governing subscriber contract practices no longer appear to be necessary, because the market is working. Moreover, the systems' subscriber contracts do not appear to substantially restrict travel agents from using alternative booking channels.

The comments show that the nature of subscriber contracts has changed substantially in the last few years, as discussed above in our description of the travel agency business. As stated there, the systems no longer obtain contracts that will keep travel agencies from using other electronic channels for obtaining information and making bookings. Large Agency Coalition Comments at 7. A declining portion of subscriber contracts contain productivity pricing provisions, current productivity pricing provisions allow travel agencies to obtain bonuses (or avoid penalties) despite booking airline tickets outside the system, and the length of the term of the typical subscriber contract has shrunk dramatically. The agencies' ability to obtain more flexible contracts is consistent with our finding that the systems compete aggressively for travel agency subscribers. A system that does not satisfy travel agency demands for greater flexibility will lose subscribers. Given industry trends, we assume that future subscriber contracts will provide travel agencies with even greater flexibility. Transcript at 232.

While the systems have always competed for subscribers, in earlier years that competition did not keep them from obtaining contract clauses that effectively deterred travel agencies from using multiple systems or booking channels and from switching systems. For example, 12 years ago Worldspan alleged that it abandoned its efforts to obtain more subscribers by offering less restrictive contracts, because doing so was not increasing its subscriber base. 57 FR 43824. Moreover, while our 1992 rules required systems to offer travel agencies a three-year contract in addition to a five-year contract, for some years the systems were able to obtain five-year contracts from most of their subscribers. 67 FR 69405. In contrast, the record shows that the average contract term now is three years. Sabre Comments at 17–18. Similarly, while the great majority of subscriber contracts once contained productivity pricing provisions that effectively discouraged travel agents from using alternative booking channels for any significant share of their sales, the record does not indicate that this is the case now. *See, e.g.*, ASTA Comments at 15.

The record does not show that we should adopt a rule requiring systems to provide new equipment to a subscriber during the term of a contract without requiring a new long-term contract for the added equipment. ASTA states that it considers it unlikely that a system ''will refuse equipment additions late in a contract term or gouge the agency on price,'' because doing so ''could persuade the agency to buy its own equipment or even to switch vendors altogether.'' ASTA Comments at 32. While ASTA nonetheless suggests that we should bar systems from requiring a new contract for the added equipment, we think that the systems and subscribers should negotiate their own arrangements. As ASTA alleges, travel agencies have some leverage with systems on this issue. If we restricted the systems' contractual flexibility by regulation, moreover, that might discourage them from agreeing to provide any new equipment. 57 FR 43825–43826.

We see no reason to adopt stronger rules, or keep the existing rules, when market forces are enabling travel agencies to obtain less restrictive contracts and when the systems' contracts do not appear to impose unreasonable restraints on the subscribers' ability to switch systems or use several electronic information sources and booking channels in addition to their primary system.

The systems' current contract practices, moreover, are not necessarily unreasonable. Long-term contracts, for example, offer significant efficiency advantages, as we pointed out in our notice of proposed rulemaking. Long-term contracts reduce the parties' negotiating expenses. Sabre Comments at 153–154. Although Amadeus favors the European rule, which allows travel agencies to cancel contracts on short notice after the first year of a subscriber contract, Amadeus admits that the European rule could lead to somewhat higher transaction costs. Amadeus Reply Comments at 64. One travel agency argues that a five-year term is the best term for a subscriber contract. Travel Management Alliance Comments. Some travel agencies, moreover, would like the opportunity to obtain contracts with terms longer than allowed by our current rules. Transcript at 241–242; AAA Comments at 2.

Similarly, contracts offering customers incentives to rely on a supplier for a greater share of its goods or services are also not unreasonable. Many airlines, after all, offer travel agencies override commission programs that enable travel agencies to obtain larger commissions from an airline if they book a larger share of their business with the airline. Amadeus Comments at 86. Also, virtually every airline has a frequent flyer program that rewards passengers for traveling more with that airline. *Cf.* Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 81. Exclusive contracts are not inherently unlawful. *United States* v. *Microsoft Corp.*, 253 F.3d at 70.

In addition, we have recognized that systems should be able to obtain damages for breach when a subscriber cancels its contract before the end of the term without cause. 57 FR 43827.

We do not view the systems' use of productivity pricing as a strategy created to maintain their market power over airlines, but as a response to their competitive struggle for subscribers and each travel agency's knowledge that its choice of one system rather than the others will enable the winning system to obtain a stream of booking fees from airlines.

Subscriber contract terms that give a system some assurance that its subscribers will continue using its services also give the systems ''incentives to make investments that enhance their value to travel agencies, including increased automation, customized features and other functionality enhancements, and the provision or upgrade of equipment.'' Justice Department Reply Comments at 28. Sabre concedes that it has contracts with small travel agency subscribers that deny those subscribers incentive payments if they make bookings through another system, but these provisions are allegedly reasonable because Sabre provides substantial support for such an agency, the cost of which is offset by the booking fees obtained by Sabre if they continue using Sabre for their bookings. These subscribers account for a small part of Sabre's total subscriber base.

Sabre Comments, Salop & Woodbury Declaration at 18–20.

In any event, insofar as the rules are intended to allow travel agencies to use multiple systems, the rules will not work. Travel agencies will rarely use more than one system because doing so is inefficient, as discussed above. If the systems' productivity pricing programs provide a disincentive to use alternative booking channels, airlines can offer incentive payments of their own that could encourage travel agents to make bookings directly with an airline. Galileo Comments, Guerin-Calvert, Jernigan & Hurdle Declaration at 81.

Efforts to regulate travel agency contracts also present a practical problem, the difficulty of obtaining effective compliance (in contrast, the rules on display bias, equal functionality, and non-discriminatory booking fees have been effective and complied with). Experience with our past attempts to prevent certain contract practices has shown that systems can evade restrictions by devising alternative contract terms that achieve the same result as the prohibited terms but comply with the letter of our rules. 57 FR 43827. If we adopted rules prohibiting productivity pricing arrangements, travel agencies and systems would have incentives to maintain them, and enforcing those rules would be impracticable. Justice Department Reply Comments at 29; Delta Reply Comments at 52–53.

The record shows that the profitability of many travel agencies depends on the incentive payments provided by productivity pricing contracts. *See, e.g.*, Large Agency Coalition Comments at 33. We would be reluctant to disallow such pricing contracts when doing so seems likely to impose severe financial strains on many travel agencies, as is claimed by many of the travel agency commenters. The surviving travel agencies, moreover, would need to obtain additional revenues to offset the loss of the systems' incentive payments, which would either increase the costs for consumers to use travel agencies or the airlines' costs for distributing their tickets through travel agencies. Sabre Reply Comments, Salop & Woodbury Declaration at 22–24.

In any event, on balance, the systems' current productivity pricing clauses seem to allow travel agencies to make a significant number of bookings through different booking channels. Large Agency Coalition Reply Comments at 13–16. The systems do not discourage subscribers from accessing the Internet, and the growing use of programs like AgentWare's service, which provides travel agents links to other booking sites, suggests that travel agents are able to make bookings outside their primary system. We recognize that several commenters contend that the systems' productivity pricing clauses contain provisions that deter travel agents from using alternative booking channels. For example, while ASTA opposes restrictions on incentive payments, it suggests that we should eliminate penalty clauses in the systems' productivity pricing agreements because penalty clauses do deter travel agents from using the Internet for bookings. ASTA Comments at 26, n. 44, and 34–35. *See also* Southwest Comments at 16–20; Travel Management Alliance Comments. The Large Agency Coalition's comments address in detail the effects of the penalty provisions but not the incentive payment provisions. The ASTA survey suggests that the systems' productivity pricing programs are one of the three reasons why travel agents do not make more bookings on the Internet. Orbitz Comments at 23, n. 10. Orbitz asserts that the systems compel travel agencies to accept exclusive deals. Orbitz Comments at 46–47. These complaints that productivity pricing does block travel agencies from using alternative booking channels are not substantiated enough to override the other factors in favor of eliminating the restrictions on subscriber contracts—the travel agencies' inherent unwillingness to use multiple systems, the difficulty of enforcing rules on issues like incentive payments, and the dependence of many travel agencies on incentive payments for survival. Equally important, the market seems to be moving in a more competitive direction. The minimum booking quotas in subscriber contracts are declining, and the systems' incentive payments to travel agencies are now declining and will continue to do so. Transcript at 232, 234, 235.

Other considerations make us reluctant to regulate many of the subscriber contract issues. The U.S. airlines' divestiture of their system ownership interests has ended the direct link between system competition and airline competition that was a principal basis for the adoption of subscriber contract rules. Travel agency decisions to use one system rather than another, and to accept longterm contracts for CRS services, should not affect airline competition. In exercising our authority to prohibit unfair methods of competition under section 411, our primary goal has been the protection of airline competition. Regulating subscriber contracts for the most part would not further that goal.

Given the record evidence on current market conditions, it is doubtful whether section 411 would enable us to maintain rules governing travel agency contracts. Practices like longterm contracts and incentive payment programs are not inherently anti-competitive, as discussed above. If the systems' current subscriber contracts effectively deterred travel agents from using alternative booking channels (direct links with an airline's internal reservations system, for example), the contracts could constitute an unfair method of competition, because they would help preserve the systems' existing power over airlines, unless the contracts were justified by legitimate business reasons that outweighed any adverse impact on competition. Because the systems are ticket agents subject to our jurisdiction under section 411, we may regulate their contract practices if they are engaged in unfair methods of competition that affects airline distribution. The record in past proceedings indicated that the systems' contract practices could violate section 411, because the systems imposed contract terms on travel agencies that appeared designed to preserve the systems' market power by deterring travel agents from using alternative booking channels. 57 FR 43823–43825. *Cf. United States* v. *Microsoft Corp.*, 253 F.3d at 71–74. The record here, in contrast, does not show that the systems' contracts effectively keep travel agents from making bookings that bypass the systems.

We recognize that prospective entry into the CRS business, by Orbitz, for example, would be more successful if the systems' existing subscriber contracts were nullified, thereby enabling all travel agencies to make a new choice of which system to use. Orbitz otherwise may be able to obtain subscribers only from those travel agencies whose contracts are expiring. Orbitz in fact seeks to give subscribers an option to void all existing contracts that do not comply with new subscriber contract rules. Orbitz Comments at 50, 53. Northwest, one of Orbitz' owners, similarly argues that we should enable any travel agency to terminate its existing contract with a system, if any of the airlines serving the agency's city withdraws from participation in that system. Northwest Comments at 3–4.

Ending any substantial number of existing subscriber contracts would be disruptive and impose substantial negotiating costs on the systems and travel agencies. *See, e.g.*, Galileo Reply Comments at 59. Imposing such burdens on the industry would be at odds with our overall decision to end CRS

regulation. Furthermore, we doubt that section 411 would authorize us to grant Orbitz' request. As stated elsewhere, section 411 does not empower us to impose our views of the best possible competitive structure and practices on an industry. It authorizes us instead to prohibit unfair methods of competition. Because the record does not show that the systems' current subscriber practices violate the antitrust laws or antitrust principles, we do not have the power to undo the existing contracts, even if they may hinder Orbitz' entry into the business.

Orbitz and other commenters are legitimately concerned about the impact of potential system contract practices that would unreasonably restrict travel agency usage of alternative booking channels. We will monitor the systems' practices to ensure that the end of our rules on contract practices does not lead to new efforts to obtain contracts from subscribers that will unreasonably limit airline competition.

14. The Tying of Commissions and Marketing Benefits With a Subscriber's Choice of a System

Our concern that an owner airline would use its dominance of airline markets in some cities to obtain dominance in the CRS markets in those cities led the Board to adopt a rule prohibiting an airline that owned a system from tying a travel agency's commissions to the agency's use of the airline's system. Dominance in the local CRS market would reinforce the airline's power in the local airline markets. Justice Department Reply Comments at 9. For the same reasons, we have considered proposals to prohibit the tying of a travel agency's access to an airline's marketing benefits, such as the ability to waive advance-purchase restrictions on discount fares, with the agency's choice of the system affiliated with the airline. We did not adopt such a rule because we expected that any such requirement would be unenforceable. 57 FR 43828.

A few commenters complain that airlines affiliated with a system have distorted competition in the CRS business by refusing to provide marketing benefits (or the ability to sell the airline's corporate discount fares) to travel agencies that do not use the system owned or marketed by the airline. Some commenters believe that such airlines have also tied access to override commissions with the travel agency's use of the airline's affiliated CRS, even though doing so would violate our rule. *See, e.g.*, Amadeus Comments at 90–92.

Our notice of proposed rulemaking stated that we were willing to revisit the issue of the tying of marketing benefits to the use of the airline's affiliated system, although we again expressed our concern about the potential unenforceability of any such rule. 67 FR 69409–69410.

ASTA and Amadeus support the proposed prohibition against the tying of a travel agency's access to marketing benefits with the agency's choice of a system. ASTA Comments at 39–40; Amadeus Comments at 86–92. Other commenters oppose the proposal. Delta Reply Comments at 53–58; Northwest Reply Comments at 24–25; United Reply Comments at 54–65.

After considering the comments, we have decided to terminate the current rule rather than broaden it. First, no U.S. airline currently owns a system, so the existing bar against tying now covers only the three European airlines that own Amadeus. Secondly, the existing and proposed restrictions on tying, even if effective, seem unlikely to significantly affect airline competition, because no system has U.S. airline ownership. Thirdly, an airline that is affiliated with a system may have legitimate reasons for wanting to encourage travel agencies to use that system. Bookings made through that system, for example, may be less costly for that airline. United Reply Comments at 64–65. Also, some commenters (but not Amadeus) allege that the airlines marketing a system do not aggressively sell the system and that tying is a vanishing practice. Large Agency Coalition Reply Comments at 16–17. Fourthly, a prohibition against the tying of marketing benefits would not keep airlines that wished to use their dominance of local airline markets from using their position in the airline market to compel travel agencies to use their affiliated system. Airlines can achieve that result by tying a travel agency's choice of their favored system to the agency's access to corporate discount fares. Finally, we continue to believe that prohibitions against tying are likely to be unenforceable, a view that the Justice Department shares. Justice Department Reply Comments at 24. Although the current rules thus prohibit the tying of a travel agency's ability to obtain commissions with the agency's choice of a system, Amadeus alleges that it has lost subscribers (or failed to win new subscribers) because an airline that owned or marketed a competing system threatened to terminate the agency's commissions if it chose Amadeus. Amadeus Comments at 90–92; *see also* Large Agency Coalition Reply Comments at 17.

Nonetheless, we will watch for any anti-competitive behavior in this area and take enforcement action if appropriate.

15. Regulation of the Internet's Use in Airline Distribution

When we last reexamined the need for the CRS rules and their effectiveness, the Internet did not play a role in airline ticket distribution. The systems were used by travel agencies, corporate travel departments, and by some consumers through on-line services. At that time, ''brick-and-mortar'' travel agencies sold about 80 percent of all airline tickets, and consumers bought most of the remainder directly from the airlines. Few travelers bought tickets on-line. 57 FR 43794–43795. Our rules regulate the systems insofar as they are used by travel agencies but do not otherwise regulate the systems, and they do not cover the operations of travel agencies.

In recent years, the Internet has become a major avenue for the sale of airline tickets. Both airlines and travel agencies have established websites where consumers can research airline service options and make bookings. The number of tickets sold through the Internet has been growing steadily, from 18 percent of all tickets in 2001 to an estimated 25 percent of all tickets in 2003. Airline websites account for about half of all tickets sold through the Internet. Galileo Comments, Guerin-Calvert, Jernigan, & Hurdle Declaration at 24. Some firms have established themselves as on-line travel agencies, like Travelocity, Expedia, and Orbitz, but many ''brick-and-mortar'' travel agencies have also established websites. 67 FR 69374.

Our supplemental advance notice of proposed rulemaking asked for comments on whether we should regulate the on-line distribution of airline tickets. 65 FR 45557. While a number of commenters argued that no Internet activities should be regulated, others contended that some rules were necessary. *See* 67 FR 69410.

After considering the comments, we tentatively concluded that we should not now adopt rules that would generally govern the Internet's use in airline distribution. Rather than propose rules on the basis of a relatively short experience, we wished to see how the Internet's use in airline distribution develops and whether its evolving use threatens airline competition and consumer access to accurate and complete information on airline services. We found that our experience with the Internet thus far does not confirm that broad regulations are necessary. We invited commenters who

disagreed with our tentative position on these issues to present their proposals with information and analysis showing that they would provide public benefits without harming competition or the development of new on-line marketing approaches. 67 FR 69410.

We did propose a change to our policy statement on fare advertising concerning one Internet-related issue, the requirements for disclosure of travel agency service fees. We plan to address that question in a separate final rule.

We still believe that we should not adopt rules governing airline distribution over the Internet, whether through airline websites or on-line travel agencies. As we stated in the notice, we intend to continue watching the Internet distribution practices of airlines and on-line travel agencies and will take action if that becomes necessary. The absence of rules specifically governing Internet distribution practices will not excuse airlines and travel agencies from complying with section 411, which prohibits unfair and deceptive practices and unfair methods of competition in the distribution of airline tickets. In addition, existing rules requiring travel agencies to provide accurate information on airline services, 14 CFR 399.80, are applicable to on-line ticket sales by travel agencies. We are ready to take enforcement action against any travel agency (or airline) that provides deceptive information on airline services through the Internet, and we have done so in several cases. *See, e.g.*, Orders 2001–5–32 (May 30, 2001) and 2001–6–3 (June 7, 2001).

The issues presented by the comments concern (i) regulation of on-line travel agencies, (ii) regulation of airline choices on which distribution channels should be given access to all publicly-available fares, and (iii) Orbitz.

We affirm our tentative decision that rules are not needed to regulate airline websites. The commenters have not challenged that tentative decision. Consumers assume that an airline website will favor the airline's own services and not present an impartial display of all airline services. Any airline offering a website will seek to promote its own services and those of any allied airlines. 67 FR 69411.

(a) *Regulation of On-Line Travel Agencies.* On-line travel agencies such as Expedia, Travelocity, and Orbitz have become major sellers of airline travel. We tentatively concluded that we should not adopt rules regulating their conduct, despite the concern expressed by some commenters that on-line travel agencies may bias their displays in favor of preferred airlines if not prohibited from doing so. We noted that we were not proposing to regulate the CRS displays created by travel agencies for their travel agents. The existing CRS rules do not regulate the practices of ''brick-and-mortar'' travel agencies. However, every on-line travel agency, like every ''brick-and-mortar'' travel agency, is subject to section 411 and may not engage in unfair and deceptive practices.

We thought that on-line travel agencies, like ''brick-and-mortar'' travel agencies, want to keep their customers satisfied. That should deter them from providing inaccurate or misleading advice to customers and so would keep them from biasing their displays. Newspapers and magazines occasionally compare the quality of service offered by different on-line travel agencies, which should discourage the agencies from offering biased displays. And because consumers usually search several sites before making a booking, they should not be harmed if one on-line travel agency biases its displays. The record, moreover, did not show that bias is a serious problem at on-line travel agency websites. Finally, a rule requiring on-line travel agencies to follow prescribed display rules could discourage new methods of offering airline tickets on-line, such as those developed by Priceline and Hotwire. 67 FR 69411–69412.

A few commenters contend that we should adopt rules governing on-line travel agency displays. America West Comments at 37; US Airways Comments at 5–9. Amadeus contends that the systems should not be regulated if on-line travel agencies are not regulated. Amadeus Comments at 93; Amadeus Reply Comments at 54–59. Midwest alleges that some on-line travel agencies offer displays that are biased and inaccurate and do not show that its service is superior to the coach service typically provided by other airlines. Midwest Comments at 10–16.

These commenters have not convinced us that on-line display bias is a widespread problem that harms consumers and requires the adoption of rules. The examples cited by Midwest, if accurate, are troubling, but we believe that individual enforcement action would be the better approach if an agency is offering displays that mislead consumers.

In finding that the record does not show a need for rules barring display bias by on-line travel agencies, we are not determining that consumers have a greater ability than travel agents to work around bias. We are instead finding that the on-line travel agencies do not appear to be biasing their displays and that they are unlikely to do so, because most consumers check more than one website and because newspapers and other publications rate the relative accuracy and value of the different on-line travel agencies. These factors should effectively discourage on-line travel agencies from engaging in display bias, even though many consumers investigate airline services on only one website and not all consumers read published reports comparing the different on-line travel agencies. 67 FR 69411. If an on-line travel agency does create displays that mislead consumers, we can and will take appropriate enforcement action.

We also see no reason to exempt the systems from regulation if we do not adopt rules regulating the on-line travel agencies. The systems are not direct competitors of the on-line travel agencies, and the systems' possession of market power over airlines mandates the adoption for a transitional period of some rules designed to prevent practices intended to maintain that market power or to use it in ways that could cause consumer deception. The on-line travel agencies do not have that kind of market power. Justice Department Reply Comments at 15.

(b) *The Airlines' Differing Treatment of Different Travel Agencies.* A number of the comments on our advance notices of proposed rulemaking had argued that we should require airlines to make all of their publicly-available fares, especially their webfares, saleable through every system. These commenters complained that the airlines' decision to make webfares available only through individual airline websites, or through such websites and Orbitz, was unfair to other travel agencies and the traveling public. The airlines, on the other hand, asserted that their decision to sell their webfares only through the least costly distribution channels was a rational decision. *See* 67 FR 69412–69413.

We declined to propose any rule requiring airlines to make all fares available through all distribution channels, as was sought by a number of commenters. Telling airlines how they must distribute their services and fares would likely deter them from offering some fares that they wish to sell only through selected distribution channels. Moreover, individual airlines have always given some travel agencies access to fares and other benefits not given other travel agencies. A rule requiring airlines to treat all distribution channels the same, in terms of access to fares, would be contrary to the industry's established practices (and contrary to practices followed by the

systems and individual travel agencies as well). In addition, as we explained, the basis for this rulemaking was our authority under section 411 to prohibit unfair methods of competition, unfair methods of competition are practices that violate the antitrust laws or antitrust principles, and the antitrust laws generally allow individual firms to choose how to distribute their products and services. An airline's decision to provide certain types of fares or better treatment to one type of distribution channel (or to some but not all firms within the same channel) would not ordinarily violate antitrust principles. 67 FR 69413.

After we prepared our notice of proposed rulemaking, the National Commission to Ensure Consumer Information and Choice in the Airline Industry, which had been charged by Congress to study this and related issues, issued its report. That report concluded that airlines should not be required to make all fares available through all distribution channels. The Commission reasoned that such a requirement would substantially harm consumers, because airlines would stop offering some low webfares, would be contrary to the industry's use of different distribution channels to dispose of specific types of inventory, and would not solve the travel agency industry's basic problems, particularly the growing use of the Internet. ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002), at 56–58.

Several commenters continue to assert that airlines should be required to make all publicly-available fares saleable through all distribution channels. Large Agency Coalition Comments at 38–39; AAA Comments at 3; Carlson Wagonlit Comments at 3.

Airlines object to any such requirement. *See, e.g.,* America West Comments at 32–34; Continental Comments at 10.

We remain unwilling to require airlines to make their webfares (or other publicly-available fares) available to each system so that travel agencies can easily book them. For the reasons stated in our notice of proposed rulemaking, any such requirement would be outside our authority under section 411 and lack an economic or policy justification. Such a requirement would deny airlines the ability to choose which distribution channel best meets their needs. As shown, Southwest and JetBlue, two successful and growing airlines, have chosen to distribute their services through only one system, Sabre, and to encourage travelers to make bookings directly with the airline, either through the airline's website or a reservations agent. The requirement would be contrary to the airlines' established practice of selling some fares only through a few selected channels. America West points out that it makes special fares available only through some channels, like one or two of the on-line travel agencies, rather than through all channels. America West Comments at 33. As noted, our decision is consistent with the National Commission's conclusions, and we agree with the Commission's analysis. As the Commission stated, requiring airlines to make all fares available through all distribution channels will encourage airlines to eliminate those fares that they wish to make available only through selected distribution outlets.

Requiring airlines to make all publicly-available fares saleable through all channels would be more efficient for travel agents and their customers, because they would no longer need to search multiple places to check all the fares, and would be able to make bookings through their primary system, which has been the most efficient booking process for travel agencies. Our authority to prevent unfair methods of competition would not allow us to override individual airline decisions on how to distribute tickets unless we can show that doing so is necessary to prevent conduct that would violate the antitrust laws or antitrust principles. The record in this proceeding would not support such a finding. In addition, a requirement that airlines must make all fares available through all channels would deter airlines from offering many discounts, including presumably their webfares. Airlines would have less incentive to offer discounted fares if they were required to sell those fares through all channels, including the most expensive. America West Comments at 32; United Reply Comments at 51–52.

Furthermore, the market is addressing this issue. Sabre and Galileo, as shown, have created programs whereby airlines that make their webfares saleable through the system will obtain lower booking fees in exchange. A number of major airlines have agreed to provide their webfares to the two systems on these conditions. As a result, Galileo and Sabre subscribers now have access through their systems to the webfares offered by most major airlines. Amadeus and Worldspan can similarly offer airlines terms attractive enough to obtain the right to sell webfares. In any event, systems should obtain access to webfares by making their sale through a CRS attractive for airlines, not by Government edict.

(c) *Regulation of Joint Airline Web sites.* Orbitz, the on-line travel agency, and Hotwire, an on-line firm that allows consumers to obtain low fares but without providing a choice between airlines or schedules, are owned and controlled by several major airlines. Orbitz has obtained the ability to sell many discount fares that are not available for sale through other travel agencies. Orbitz gives airlines a rebate on their booking fees if they agree to make all of their publicly-available fares saleable through Orbitz. Office of the Inspector General, U.S. Department of Transportation, ''OIG Comments on DOT Study of Air Travel Services'' (December 13, 2002), at 2–3.

A number of parties had complained that any website owned by two or more airlines, such as Orbitz and Hotwire, may well be operated in a manner which will reduce competition and lead to consumers receiving biased or inaccurate information. 67 FR 69413. Galileo contends, for example, that the most-favored-nation clause used by Orbitz has led to fewer and smaller fare discounts. Galileo Comments, Hausman Declaration. Travel agencies contend that Orbitz' most-favored-nation clause is intended to eliminate them from the distribution business. *See, e.g.*, Hewins Travel Consultants Reply Comments. Expedia urges us to take enforcement action against Orbitz, but does not ask that we adopt regulations governing joint airline websites. Expedia Comments at 10–13.

We decided not to propose rules regulating the operation of joint airline websites in this proceeding. The only two significant jointly-managed airline websites were Orbitz and Hotwire. Adopting general rules governing the operation of joint airline websites would be premature. The enforcement process would be the best means for addressing any problems with deceptive practices and unfair methods of competition created by such a site. An enforcement proceeding could effectively take into account the characteristics of an individual website while a rule might be unable to do so. 67 FR 69413.

We further noted that we had been informally examining Orbitz' business plan and strategy to see whether it might have been engaged in deceptive practices or unfair methods of competition. Our progress report to Congress on that investigation, ''Report to Congress: Efforts to Monitor Orbitz,'' did not reach any definitive conclusions on whether Orbitz' operations may violate antitrust principles, in part

because of the continuing changes in the on-line distribution business, and in part because the Justice Department had not concluded its own antitrust investigation into Orbitz. The Justice Department recently announced that it had completed its extensive investigation and concluded that Orbitz had not reduced competition or harmed consumers. Statement by Assistant Attorney General R. Hewitt Pate Regarding the Closing of the Orbitz Investigation (July 31, 2003). The Justice Department's announcement confirmed our preliminary findings, set forth in our June 27, 2002, report to Congress, that the formation of Orbitz and the Orbitz most-favored-nation clause have neither reduced airfare discounting nor reduced competition in the on-line distribution of airline services. This Department's Inspector General reviewed our report to Congress to evaluate the reasonableness and accuracy of the report's findings. The Inspector General concurred with those findings. He concluded, ''The Department has an ongoing responsibility to monitor the behavior of all of the airlines to ensure that they are not engaging in unfair methods of competition and as part of this general responsibility, should continue to observe how the airlines use all distribution outlets, including Orbitz, to distribute their services.'' Office of the Inspector General, U.S. Department of Transportation, ''OIG Comments on DOT Study of Air Travel Services'' (December 13, 2002), at 28–29.

If Orbitz or its owner airlines engage in unlawful conduct, we can and will use our authority to end any unlawful practices. *See, e.g.*, April 13, 2001, Letter from Susan McDermott and Samuel Podberesky to Jeffrey Katz, at 6.

For the reasons stated in our notice of proposed rulemaking, we are not adopting rules specifically governing joint airline websites like Orbitz at this time. We also see no basis now for instituting any formal investigation into Orbitz' operations. Our own informal review has not shown that such a proceeding would be justified, and the Justice Department has concluded after an extensive investigation that it has no evidence indicating that Orbitz has violated the antitrust laws. Moreover, as we stated in the notice of proposed rulemaking, Orbitz and any other website operated jointly by two or more airlines are subject to the antitrust laws and section 411. The antitrust laws prohibit competing firms from operating a joint venture in ways that unreasonably restrict competition. *See* 67 FR 69414.

Insofar as Expedia's concerns reflect the greater availability of webfares on Orbitz than on competing on-line travel agencies, the market appears to be addressing that issue. As discussed above, two of the systems have obtained access to the webfares of several airlines by providing booking fee reductions in return, and we see no reason why the other two systems could not create similar arrangements. Expedia itself could seek to obtain access to webfares by bargaining with the airlines that offer them.

16. Tying of Internet Participation

Each system generally follows a practice of requiring every participating airline to agree that its services can be booked by every user of the system, including all ''brick-and-mortar'' and on-line travel agencies. A non-accredited travel agency, a corporate travel department, an on-line computer service, or a consumer accessing the system through a travel agency website thus can book the services of each participating airline through the system. Several airlines had asserted that airlines should be able to determine which website could sell their services and that the systems should be barred from tying access to a system's on-line users with access to its ''brick-and-mortar'' travel agency subscribers. 67 FR 69414–69415.

We asked for comments on whether such a rule should be adopted. Such a rule could be beneficial by giving airlines a greater ability to determine which distribution channels could sell their services. A rule barring tying could enable market forces to discipline the systems' terms for participation in the services they offer to on-line travel agencies and other Internet users, because airlines might be able to decline participation if the terms were unreasonable. 67 FR 69414–69415.

We noted, however, that such a rule might be unnecessary. Southwest had been able to keep on-line travel agencies from selling its tickets, and Northwest successfully threatened to stop one on-line travel agency from selling its tickets if the agency did not change its business practices. We asked the parties to comment on whether a prohibition against tying would be technologically feasible, and whether an individual airline could effectively block any Internet site (or a ''brick-and-mortar'' travel agency) from selling its tickets. 67 FR 69415.

Continental and Northwest support the proposal, while Amadeus and Sabre oppose it.

We have decided not to adopt a rule barring the tying of access to ''brick-and-mortar'' travel agencies with access to on-line travel agencies using a system. The comments have not persuaded us that such a rule is necessary, because airlines seemingly already have some ability to stop individual travel agencies from selling their tickets. None of the commenters supporting the proposal has explained why such a rule is necessary when an airline already has the authority to stop an individual travel agency from selling its tickets. Sabre and Amadeus assert that each airline can bar an agency from selling its services by denying it an appointment as its sales agent. Sabre Reply Comments at 68; Amadeus Comments at 101–102. Northwest, moreover, was able to obtain better terms from Travelocity and Expedia by denying them commissions on their bookings. Orbitz Comments at 17–18. Our notice pointed out that Southwest had been able to keep on-line travel agencies from selling its tickets. Sabre also asserts that implementing such a rule would be costly, for its programming expenses would exceed $1.5 million. Sabre Reply Comments at 69.

America West contends without explanation that the systems' market power would currently preclude an airline from ending an on-line agency's authority to sell its tickets. America West Comments at 36. Because other commenters disagree with America West's position, we could not adopt the rule proposal without additional evidence and analysis from America West and other commenters.

In addition, the systems' worldwide participation agreements do not appear to violate the antitrust laws or antitrust principles. Sabre has argued that the antitrust laws' prohibition against tying rule does not apply to the systems' practice of requiring worldwide participation, since the offering of system services to ''brick-and-mortar'' travel agencies and the offering of the same services to on-line travel agencies do not constitute separate products. Sabre Reply Comments at 67. *See also* Amadeus Reply Comments at 48.

United, which argues that all of the rules should be terminated, asserts that we should adopt the proposal on tying if we maintain CRS rules. United further argues that the systems' worldwide participation agreements violate the antitrust laws. United Reply Comments at 78–80. United essentially contends that access to each subscriber is a separate product under tying principles. We disagree that a system is necessarily engaged in the tying of two separate services when it demands that a participating airline agree to allow all of the system's subscribers to sell its

services (subject to the airline's right to deny any individual subscriber the authority to sell any of its services). Each system has tens of thousands of subscribers worldwide, and Sabre and Amadeus each has over 60,000 travel agency users. Sabre Comments, McAfee & Hendricks Declaration at 11. United's tying theory assumes that a system and airline should be able to decide whether each individual subscriber should be able to sell the airline's tickets through the system. That would not be efficient. The record in this proceeding does not contain evidence demonstrating that airlines would normally demand that a system treat access to each individual subscriber as a separate service. As a result, a system does not appear to be offering separate products when it requires a participating airline to agree that any system user can sell the airline's services, subject to the airline's right to terminate entirely a travel agency's authority to sell the airline's services. *Cf. United States* v. *Microsoft Corp.*, 253 F.3d at 85–89.

17. International Issues

Our rules govern the systems' operations within the United States. Section 255.2. This rulemaking nonetheless presents international issues, because the systems operating in the United States operate throughout the world, because foreign airlines serving U.S. points obtain ticket sales from bookings made through the systems in the United States, and because the United States' bilateral air services agreements (and one multilateral agreement) with a number of foreign countries obligate each party to ensure that airlines domiciled in the other country are not subject to discriminatory treatment from any system. 67 FR 69372. In addition, the European Union, Canada, Australia, and other foreign countries have adopted their own CRS rules. The basic principles for all of the rules are similar, but the actual rules are different, as in some respects are the underlying regulatory philosophies. 67 FR 69372, 69415.

The major international consideration is the United States' obligation under the air services agreements to keep systems operating in the United States from engaging in conduct that discriminates against foreign airlines, such as charging discriminatory booking fees to foreign airlines and biasing displays against foreign airlines. Congress has directed us to exercise our authority consistently with the United States' obligations under international agreements. 49 U.S.C. 40105(b)(1)(A).

Several of the commenters, notably Amadeus, contend that we must readopt the existing rules and impose them on all systems in order to comply with the obligations imposed by these agreements. Amadeus Comments at 36–41; Amadeus Reply Comments at 20–22. *See also* Air France Comments at 6. Amadeus states that it would not object to the rules' termination if the only issue were whether rules were required on economic policy grounds. Amadeus Comments at 4. Other commenters, like United and Sabre, argue that satisfying those obligations does not necessarily require us to maintain CRS rules and that we have no authority to adopt rules in order to comply with the United States' international agreements if section 411 does not otherwise authorize us to regulate the systems. United Reply Comments at 19–20; Sabre Reply Comments at 22–24. United and Continental urge us to eliminate the rules even though they recognize that foreign CRS rules typically contain reciprocity requirements. Transcript at 118, 140. A number of foreign airlines have supported proposals to eliminate some of the rules, such as the rule prohibiting discriminatory booking fees. Ass'n of Asia Pacific Airlines Comments at 6; British Airways Comments at 8; Lufthansa Comments at 3; Qantas Comments at 1.

The final rules adopted in this proceeding no longer include the prohibitions against discriminatory treatment contained in the existing rules. We recognize that different airlines may obtain different treatment from the systems as a result, especially on booking fees. However, because no U.S. airline now controls any system operating in the United States, the systems should have no incentive to discriminate against foreign airlines. Sabre Comments at 147. As noted, our proposal to eliminate the rule barring discriminatory booking fees was supported by several, though not all, foreign airline commenters. We have also found that the elimination of those rules will benefit consumers and not harm airline competition.

In addition, the statutory authority for our rules has always been section 411, which authorizes us to prohibit unfair and deceptive practices and unfair methods of competition. We may adopt rules that will prevent practices that violate the antitrust laws or antitrust principles, but we do not have general authority to regulate the business practices of the systems (or airlines). To adopt any rule regulating CRS practices, we must find that the rule is necessary to prohibit conduct that would violate section 411. Our decisions that several of the rules should not be readopted at all, such as the rule prohibiting discriminatory booking fees, flow from our decisions that the practices regulated by those rules no longer appear to be violations of section 411 or that the rules have become unnecessary for other reasons. As a result, section 411 does not authorize us to maintain those rules indefinitely.

We recognize the United States has signed bilateral air services agreements obligating each party to ensure that airlines domiciled in the country of the other party are not subjected to discriminatory treatment from systems operating in its own territory. While we will no longer have rules carrying out all of the obligations imposed by the bilateral air services agreements, we and the other agencies of the United States government intend to take such action as is necessary and appropriate to ensure that foreign airlines have a fair opportunity to compete for travelers in the United States.

Amadeus has suggested that we attempt to harmonize our rules with those of the European Union. As we stated in our notice of proposed rulemaking, we understand that a greater similarity between our rules and the European rules (and the rules of other countries) would provide benefits, especially by avoiding the need for the systems to follow potentially different business practices in different jurisdictions. However, our ability to regulate CRS practices is subject to the limits of our authority under section 411 to prohibit unfair and deceptive practices and unfair methods of competition by airlines and ticket agents and our obligation to adopt only those rules whose benefits will outweigh their costs. We cannot make our rules conform to those of the European Union unless doing so will meet the requirements established by Congress.

18. Retaliation Against Discrimination by Foreign Airlines and Systems

In some cases in the past, as discussed in our notice of proposed rulemaking, a foreign airline limited its participation in a U.S. system (or imposed restrictions on travel agencies using a U.S. system in its homeland) to deter travel agencies in its homeland from choosing a U.S. system instead of the system owned or marketed by the foreign airline. In a few such cases, we proposed countermeasures to encourage the foreign airline to end its discriminatory conduct. We acted under the International Air Transportation Fair Competitive Practices Act, recodified as 49 U.S.C. 41310, which has authorized us to impose countermeasures when a

foreign airline or other firm engages in discriminatory conduct against a U.S. airline. 67 FR 69372. Congress has since amended 49 U.S.C. 41310 to give us broader authority to take countermeasures against a foreign system or a foreign airline that controls such a system, if the system engages in an unjustifiably discriminatory or anticompetitive practice against a U.S. CRS or imposes unjustifiable restrictions on access by a U.S. system to a foreign market. This broadens the statute by authorizing us to take action when a U.S. system is subject to discriminatory conduct by a foreign firm. Section 741 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Public Law 106–181 (April 5, 2000).

To further deter discriminatory treatment, our current rules authorize a system to engage in discriminatory conduct against a foreign airline that operates a foreign system, if that system subjects a U.S. airline to discriminatory treatment and the system has given us and the foreign airline 14 days advance notice of its plan to take countermeasures. Section 255.11(b).

We did not propose to strengthen this rule, although Sabre asked us to do so. We explained that we would in any event continue to take appropriate action when a U.S. airline or system is subject to discriminatory treatment by a foreign firm designed to prejudice the U.S. firm's ability to compete. 67 FR 69415–69416.

Although Sabre has argued that we have no authority to regulate its operations under section 411 and that there is no longer any economic justification for the rules, Sabre has urged us to strengthen our existing rule, but only if we maintain CRS regulations. Sabre Comments at 168–169. Delta, on the other hand, argues that the existing rule should be eliminated. Delta Reply Comments at 58.

We intend to carry out Congress' mandate that action be taken when foreign airlines and systems engage in discriminatory conduct against U.S. firms. We can take such action without maintaining the existing rule. We have determined, however, not to readopt the rule authorizing a system to take countermeasures against a foreign system that discriminates against U.S. airlines. If we were to readopt the rule, we would presumably have to modify it, because we are eliminating the major rules barring each system from engaging in discriminatory treatment of participating airlines. The rule should authorize self-help only when a foreign system biases its displays against U.S. airlines.

Furthermore, the rule as written is outdated. The Board originally adopted the rule at a time when each significant system operating in the United States was owned by a major U.S. airline with international operations. As written, the rule made sense because it allowed the system to take countermeasures if its airline owner (but not the system itself) was subject to discriminatory treatment from a foreign system that was owned or controlled by a foreign airline. 49 FR 11668–11669. Sabre no longer has any airline owners and so should have little incentive to take countermeasures if a U.S. airline is subjected to discriminatory treatment overseas from a foreign system. The rule, moreover, would allow Sabre to subject the offending foreign airline to discriminatory treatment, not to take direct action against the foreign system. We think that we can more rationally protect Sabre's interests by reaffirming our willingness to take appropriate action authorized by statute.

19. Sunset Date for the Rules

Our rules have had a sunset date to ensure that we would reexamine the need for the rules and their effectiveness. Section 255.12. In our notice, we tentatively decided not to propose a new sunset date for the rules in our notice of proposed rulemaking. Instead, we stated that we would review the rules when necessary and would consider comments on when that should be done. 67 FR 69416.

Some commenters asked us to establish a new sunset date that would establish a time when the rules would be reexamined, while other commenters argued that a new sunset date should establish the time when the rules would end without further reexamination.

See, e.g., Alaska Comments at 1–3 and Delta Comments at 2–3 (transitional rules should terminate in three years); American Comments at 49 (three-year sunset period with presumption that rules would then terminate); Midwest Comments at 29 (at least five years).

Whether the rules should have a sunset date, and when that date should be, are essentially moot issues as a result of our final decision in this proceeding. We are readopting very few of the existing rules. The other rules will therefore automatically expire on January 31, 2004. The rules adopted here will be terminated as of July 31, 2004. We will, however, actively monitor conditions in the market in order to verify our assumption that rules against display bias will not be necessary beyond that time. We retain the authority to propose a continuation of rules against display bias if, contrary to our expectation, continued regulation is warranted.

20. Effective Date of the Rules

The Administrative Procedure Act states that new rules normally should take effect no less than thirty days after their publication. Our notice of proposed rulemaking invited comments on whether we should give firms additional time to comply with any new requirements mandated by our final rule in this proceeding. 67 FR 69416–69417. In response to our notice of proposed rulemaking, which proposed to readopt most of the rules and adding additional requirements for some of them, like the rules on subscriber contracts, a number of commenters asserted that one or more provisions of our proposed CRS rules should take effect on a delayed schedule due to the expense or difficulty of compliance within thirty days of the rules' publication date. See, *e.g.*, Amadeus Comments at 104–106; Galileo Reply Comments at 59. Galileo further contends that we should provide for a two-year transition if we determine not to readopt the mandatory participation rule and the rule barring differential booking fees. Galileo Reply Comments at 59.

We have decided to make January 31, 2004, the effective date of this rule. That date is the sunset date for the existing rules. We have determined for good cause to make the rule effective on that date, rather than thirty days after publication as required by the Administrative Procedure Act except for good cause shown. 5 U.S.C. 553(d). We are maintaining for a six-month transition period the current rules prohibiting display bias and, with some changes, the current rule prohibiting parity clauses in the systems' contracts with participating airlines. Our transitional rule barring airlines from inducing systems to bias displays is new in form but merely bars airlines from encouraging systems to violate their existing obligation to provide neutral displays. We are adopting a transitional rule prohibiting each system from demanding that an airline provide all public fares as a condition to any participation in the system, but this rule is analogous to the existing rule prohibiting parity clauses. These rules will not require any changes, as far as we know, in the systems' existing operations. Making them effective on less than thirty days notice accordingly will not impose an undue burden on anyone. If the rules did not become effective on January 31, 2004, there would be a short gap between the expiration of the current rules and the effectiveness of the new rules, which

could cause systems for a brief period to engage in practices that could harm competition and consumers. The January 31, 2004, effective date will not prevent firms from taking immediate advantage of the substantial deregulation resulting from our decision that most of the current rules should not be readopted.

The elimination of other rules on participating airline contracts (the prohibition against discriminatory booking fees, for example), and the rules on subscriber contracts will not require any immediate change in the operations of airlines, systems, and travel agencies. The parties are free to maintain their existing contracts while they develop new agreements that take advantage of the flexibility on these matters offered by our final decision. We cannot create a transitional period by readopting the existing rules for a short period, because the record in this proceeding would not justify doing so.

Amadeus has filed a petition asking us to eliminate the rules' existing sunset date, January 31, 2004. Docket OST–2003–16469. Amadeus notes that we have submitted a final rule to OMB review but that the review process may not be completed before the sunset date. In addition, Amadeus claims that industry participants will need several months to adjust to any substantial change in the current regulatory structure, such as partial deregulation. Galileo supports Amadeus' petition, but Delta, Northwest, Sabre, United, and Worldspan oppose it.

We see no need to eliminate the sunset date. As noted, we have decided that most of the existing rules should be terminated. Maintaining the existing rules beyond January 31 would prevent airlines, systems, and travel agencies from taking immediate advantage of the industry's deregulation. Moreover, we are not directing any firms to change their current methods of operation. They may continue to follow their existing business practices until they determine how best to modify them in response to deregulation, if not compelled to change them sooner due to market forces.

21. Divestiture

The American Antitrust Institute and US Airways have suggested that we should require the divestiture of all airline ownership of any system. They argue that airline ownership of a system creates the incentive (and ability) to operate the system in ways that will reduce airline competition. US Airways Comments at 23; American Antitrust Institute Comments at 6–7. *See also* Sabre Comments, Woodbury & Salop Declaration at 3–5; Travelers First Reply Comments.

Amadeus opposes any such requirement. It contends that such a requirement would be unfair and unlawful, because it would require the European airlines that own the majority of Amadeus' stock to divest it, even though the company is located in Europe. Amadeus Reply Comments at 41–42.

We will not require divestiture. We did not propose such a rule, and we did not require divestiture when the systems operating in the United States were controlled by U.S. airlines. 57 FR 43830.

However, our decision that most of the current rules should not be readopted in large part reflects the complete divestiture by U.S. airlines of their CRS ownership interests. A system's ownership by U.S. airlines would raise competitive concerns. The Justice Department thus states, ''Finally, DOJ's recommendation assumes that the recent divestitures represent a permanent change in the ownership structure of the industry.

DOT should therefore make clear that any attempt at reintegration into CRS by airlines will be closely scrutinized by the appropriate enforcement agencies.'' Justice Department Reply Comments at 4. As we stated above, we already intend to monitor airline distribution developments during the next six months and beyond. We will pay particularly close attention to any airline efforts to establish control over a system. We retain the authority to bring enforcement cases against firms that violate the statutory prohibition against unfair methods of competition, and we will take appropriate action if we have evidence of unlawful conduct.

We recognize that Orbitz, owned by five major airlines, may enter the CRS business, a prospect not specifically addressed by the Justice Department. The Justice Department has been investigating Orbitz' operation as an on-line travel agency and concluded that it had no evidence that Orbitz' current operations are harming consumers or reducing competition. Statement by Assistant Attorney General R. Hewitt Pate Regarding the Closing of the Orbitz Investigation (July 31, 2003). As we noted in our notice of proposed rulemaking, the antitrust laws significantly restrict the operations of a joint venture among competitors. 67 FR 69414. The Justice Department will enforce those laws if necessary. Furthermore, our examination of the CRS industry's developments after the effective date of our new rules will include a review of Orbitz' operations as a system, if it chooses to enter the business.

Regulatory Process Matters

Regulatory Assessment and Unfunded Mandates Reform Act Assessment

1. Unfunded Mandates Reform Act Assessment

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually.

The legal authority for the rule is provided by 49 U.S.C. 41712, which authorizes the Department to prohibit unfair or deceptive practices and unfair methods of competition in air transportation or the sale of air transportation. The Department is authorized by 49 U.S.C. 40113(a) to implement that authority by adopting rules defining and prohibiting unfair or deceptive practices and unfair methods of competition.

The rule would not result in expenditures by State, local, or tribal governments because no such government operates a system or airline subject to the proposed regulation. The Regulatory Assessment below provides detailed discussion of the costs and benefits for the rule. The Regulatory Assessment also presents alternatives to the rule.

2. The Department's Regulatory Assessment

Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), defines a significant regulatory action as one that is likely to result in a rule that may 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. Regulatory actions are also considered significant if they are likely to create a serious inconsistency or interfere with the actions taken or planned by another agency or if they materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of the recipients of such programs.

The Department's Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) outline similar definitions and requirements with the goal of

simplifying and improving the quality of the Department's regulatory process. They state that a rule will be significant if it is likely to generate much public interest.

The Department has determined that these regulations are not an economically significant regulatory action under the Executive Order, because the record does not show that the rules would likely have an annual impact on the economy of $100 million or more. The rules will not impose significant costs on the systems or other firms. The cost of complying with the prohibitions against display bias should be small, because the systems have been complying with those requirements and must continue to comply with similar requirements imposed by other countries. The rules will reduce the systems' revenues by barring them from selling display bias, but nothing in the record indicates that the revenue loss would exceed $100 million, and the systems have not claimed that the continuation of the rules barring display bias will reduce their revenues by $100 million or more.

The rules are significant under the Department's Regulatory Policies and Procedures because of the amount of public interest they are likely to generate. The Department has prepared a regulatory assessment for this final rule, which has been placed in the docket for this proceeding. These rules have been reviewed by the Office of Management and Budget under the Executive Order.

The notice of proposed rulemaking contained a preliminary regulatory impact analysis of the proposed rules. That analysis tentatively concluded that the benefits of the proposed rules would exceed the costs of those rules. The analysis relied on a qualitative assessment of the costs and benefits of the proposed rules, because we did not have information of the kind and detail necessary for a quantification of those benefits and costs. We requested interested persons to provide detailed information on the potential consequences of the proposed rules. 67 FR 69419.

Our final regulatory assessment concludes that the benefits of the final rule will outweigh its costs. The final rule will benefit airline competition by preventing systems from agreeing with some airlines to bias displays in their favor and against other airlines. If the final rule did not prohibit display bias, the systems would be likely to bias their displays. That could harm consumers by causing system users to obtain misleading information and by reducing airline competition. A system has some ability to bias its displays, because participating airlines have little ability to cause systems to stop biasing displays, travel agencies can live with some bias, a system that sells display bias can offer better terms to travel agency customers, and a travel agency would incur switching costs if it changed systems in order to avoid one system's bias. Display bias has the potential to undermine airline competition and distorts consumer choices. We believe that a rule prohibiting display bias will impose relatively small costs on the systems.

The rules prohibiting systems from demanding that airlines agree to parity clauses or clauses requiring an airline to make all of its publicly-available fares saleable through a system as a condition to any participation will give airlines some leverage in negotiating for better terms for participation. During the transition period, this will offset to some extent the systems' existing market power and furnish airlines an opportunity to prepare more effectively for the termination of the prohibition. The transition will give airlines some ability to promote alternative distribution and booking channels and thereby promote innovation.

Terminating the rest of the existing rules over time will promote efficiency and reduce costs for firms involved in airline distribution and the airlines themselves.

The final regulatory assessment concludes that the costs of readopting the other rules would exceed their benefits.

Regulatory Flexibility Statement

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to publish a final regulatory flexibility analysis for regulations that may have a significant economic impact on a substantial number of small entities. Our notice of proposed rulemaking, which assumed that the relevant small entities included smaller U.S. airlines and travel agencies, included an initial regulatory flexibility analysis. That notice also set forth the reasons for our rule proposals and their objectives and legal basis. This is the regulatory flexibility analysis for our final rule.

Our existing CRS rules primarily regulate the systems' operations, although they do impose some obligations on airlines participating in the systems and indirectly regulate travel agencies by prohibiting certain types of conduct in the travel agencies' relationships with systems and their airline owners. Our notice of proposed rulemaking proposed to maintain most of the existing rules and to strengthen certain parts of those rules, primarily the rules governing the systems' contractual relationships with travel agency subscribers. We also proposed, however, to eliminate the rule barring discriminatory booking fees and the mandatory participation rule. We additionally asked for comment on whether we should terminate more of the rules.

If adopted, the proposals would not have subjected small entities to direct regulation, except for certain obligations imposed on participating airlines, but would have affected the systems' relationships with airlines and travel agencies. The notice included an initial regulatory flexibility analysis, which relied in part on the factual, policy, and legal analysis set forth in the remainder of the notice, as allowed by 5 U.S.C. 605(a). We tentatively concluded that our proposed rules would have a significant economic impact on a substantial number of small business entities, especially travel agencies and air carriers, including regional air carriers. The proposals would have given travel agencies a greater ability to use multiple systems and booking channels. To the extent that airlines could operate more efficiently and reduce their costs, the rules would also affect all small entities that purchase airline tickets, since airline fares may be somewhat lower than they would otherwise be, although the difference may be small. We expected that our proposals to prohibit or restrict productivity pricing could increase CRS costs for some travel agencies, but that the affected travel agencies would be the larger agencies. 67 FR 69423–69424.

We invited comments on our initial regulatory flexibility analysis. 67 FR 69424. We additionally gave interested persons ample opportunity to file comments and reply comments on our rule proposals and to participate in a public hearing. Members of the Congressional committees on small business, travel agency commenters, and the NFIB Legal Foundation assert that our initial regulatory flexibility analysis was inadequate and that we must give interested small entities a better opportunity to comment on the proposals and their potential impact on small businesses.

At the final rule stage, we have decided not to adopt most of the existing rules and not to adopt our proposals to strengthen the rules on subscriber contracts. We are not

readopting the existing rules regulating the travel agencies' relationships with the systems and airlines owning or marketing a system, and we are not adopting the proposals to strengthen the existing rules on matters such as the terms of the systems' contracts with subscribers. Our rules will no longer regulate the travel agencies' relationships with the systems and any airlines owning a system.

Our final rule will still affect the airlines' relationships with the systems, because it will prohibit display bias and bar systems from imposing certain types of contract requirements on participating airlines.

The Regulatory Flexibility Act requires us to publish a final regulatory flexibility analysis that considers such matters as the impact of a final rule on small entities if the rule will have ''a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). The rule may have a significant economic impact on a substantial number of airlines that are small entities, because almost 400 U.S. passenger airlines come within the definition of a small entity, according to the Small Business Administration. That impact will be beneficial, as the final rule will prohibit certain system practices that would likely harm the business position of small airlines. In view of the concerns expressed by commenters about the impact of any rule on travel agencies that are small entities, we are also discussing the final rule's impact on travel agencies, even though the impact is indirect. That impact should also be beneficial. As shown by the following discussion, we have carefully considered how the final rule may affect travel agencies and other small entities.

1. The Need for, and the Objectives of, the Final Rule

For a six-month period, our final rule will maintain the existing rules against display bias and will prohibit each system from requiring airlines to accept parity clauses and clauses requiring the airline to provide all of its publicly-available fares to the system as a condition to any participation in the system. These rules are necessary for preventing display bias, which could mislead travel agents using a system and their customers, and preventing contract practices that could reduce competition for the systems and deny airlines discretion on how to market their services through the systems and alternative booking channels. The rules' objectives are to prevent consumer deception, promote airline competition, and encourage market forces to discipline the systems' prices and terms for airline participation. These objectives will promote airline competition and lower costs for airline distribution, which would lead to lower airfares and more efficient airline operations.

2. Issues Raised by the Comments, and Our Assessment of Those Issues

Several commenters contend that our rule proposals would cause significant harm to small entities, primarily small travel agencies, and that our initial regulatory flexibility analysis was inadequate. *See* June 9, 2003, Letter from Senators Snowe and Kerry; March 19, 2003, Letter from the Democratic Members of the House Committee on Small Business; Comments of the Small Business Administration Office of Advocacy; NFIB Legal Foundation Comments; ASTA Comments at 51–54. These commenters allege that the rule proposals, if adopted, would deny travel agencies the tools they need for serving their customers, eliminate incentive payments to travel agencies from the systems (and thus make many travel agencies unprofitable), and limit flexibility for travel agency contracts for CRS services. These allegations involve our proposals to eliminate the mandatory participation rule, to bar productivity pricing, and to strengthen the existing rules regulating subscriber contracts, and our decision that we would not propose rules requiring airlines to make all publicly-available fares, such as webfares, saleable through each of the systems.

As a result of these comments as well as comments submitted by other persons and the on-going changes in the airline distribution and CRS businesses, we have decided not to adopt the proposed changes to the rules on subscriber contracts, including the proposed restrictions on productivity pricing, and to eliminate the existing rules regulating the contracts between the systems and subscribers. We have further decided to make final our decision to eliminate the mandatory participation rule and our decision not to adopt rules requiring each airline to make its webfares or other fares available through all distribution channels rather than just those channels selected by the airline.

We have discussed above in detail the basis for each of our decisions on the significant rulemaking issues. We will summarize that discussion in this regulatory flexibility statement.

In general, we have decided to terminate most of the existing rules, because the record does not show a need for continued CRS regulation in most areas. Our primary goal in adopting CRS regulations has always been the prevention of system practices that would prejudice airline competition. The systems are no longer subject to control by U.S. airlines, and the record does not show that any non-airline system is likely to operate in a manner that would distort airline competition, except insofar as the systems appear willing to sell display bias. We are maintaining the rules prohibiting display bias, but not the other rules that were originally designed to keep systems affiliated with airlines from prejudicing the competitive position of rival airlines. The record shows that, in other respects, the current rules unnecessarily limit the business discretion of systems and airlines, are no longer necessary in light of market developments, or are unlikely to be effective and enforceable.

Secondly, our statutory authority does not give us the authority to generally regulate the relationships between the systems, on the one hand, and airlines and travel agencies, on the other hand. As a result of Congress' decision 25 years ago to deregulate the airline industry, we have no overall authority to regulate the airlines' distribution practices or to adopt rules requiring changes in airline practices in order to promote fairer competition. Our authority for CRS rules, section 411, authorizes us to prevent unfair and deceptive practices and unfair methods of competition. We adopted the existing CRS rules under our authority to prohibit unfair methods of competition, except insofar as we have adopted rules prohibiting display bias, which we also based on our authority to prohibit deceptive practices. We may adopt the rule proposals discussed in the comments on our initial regulatory flexibility analysis only if we find those rules are necessary to prevent unfair methods of competition. As explained in our discussion above of the individual rule proposals, the record would not support a finding that several of the rule proposals advanced by travel agency commenters are necessary to prevent unfair methods of competition.

Against this background, we will discuss the final rules and alternative rule proposals of concern to the travel agencies and small airlines, beginning with the proposals on subscriber contracts, followed by the proposals to readopt the mandatory participation rule and to adopt a rule requiring airlines to make all publicly-available fares saleable through all systems, the rules governing the relationships between airlines and the systems, and the rule prohibiting display bias.

(a) *Regulation of Subscriber Contracts.* Our existing rules impose several requirements on subscriber contracts in order to give travel agencies a greater ability to switch systems and to use multiple systems and booking channels. The rules bar systems from requiring contracts with a term of more than five years (and require a system offering a five-year contract to a travel agency to also offer a three-year contract), from imposing minimum use requirements and parity clauses, from denying a subscriber the ability to use third-party hardware and software, and from blocking a subscriber from accessing any system or database from the subscriber's equipment if the equipment is not owned by the system. We proposed to maintain these rules, and we requested comment on whether we should shorten the maximum term for subscriber contracts (for example, by adopting the European Union's rule) and should restrict the types of damages recoverable by a system if a subscriber breached its contract. We also proposed to limit the systems' productivity pricing arrangements. 67 FR 69404–69409. We made these proposals, because we tentatively found, on the basis of the comments submitted in response to our advance notices of proposed rulemaking, that the systems' subscriber contracts substantially restricted the travel agencies' ability to switch systems or use multiple systems and booking channels. For example, while the rules require systems to offer travel agencies a three-year contract whenever a five-year contract is offered, the three-year contracts offered by systems then were sufficiently less attractive that most travel agencies until recent years were accepting five-year contracts. 67 FR 69405. We recognized, however, that the systems competed vigorously for subscribers. 67 FR 69371, 69405.

The comments submitted in response to our notice of proposed rulemaking allege that the systems' recent contracts now give travel agencies more flexibility. *See, e.g.*, Large Agency Coalition Comments at 7–14; ASTA Comments at 14–15; Sabre Comments at 151–153 and Fahy Declaration at 14–15. For example, the average subscriber contract has a term of no more than three years. The systems' current productivity pricing arrangements similarly allow subscribers to make a significant number of bookings outside the system without incurring a penalty. ASTA suggests that the major reasons for the travel agencies' insistence on more flexible contracts are their need to use the Internet and their need to respond to changing technology. ASTA Comments at 14–15. The systems' competition for subscribers requires them to meet travel agency demands for more flexibility. As a result, travel agencies, large and small, are obtaining contracts with terms that are more liberal than required by our existing rules.

The commenters additionally allege that any rules designed to encourage travel agencies to use multiple systems rather than one system will inevitably be ineffective. Travel agencies are unwilling to make substantial use of more than one system because using multiple systems is inefficient for travel agencies. *See, e.g.*, ASTA Comments at 3–4.

The record thus suggests that the systems' current contracts do not prevent travel agencies from using alternative booking channels, like the Internet, when travel agents wish to use them, that any efforts by us to encourage travel agents to use multiple systems will be unavailing, and that the systems' competition for travel agency subscribers will continue to enable travel agencies to obtain flexible contracts if we did not readopt the existing rules. We have therefore decided that we should neither readopt our existing subscriber contract rules nor adopt any of the rule proposals on which we invited comment. Our decision not to adopt restrictions on the systems' productivity pricing arrangements is, of course, consistent with the position taken by almost all travel agency commenters.

Our decision not to readopt the existing rules on subscriber contracts is consistent with the position taken by some commenters that the rules should not limit the terms of contracts between systems and travel agencies, although some travel agency commenters support the readoption of some restrictions on subscriber contracts. Our decision to allow those rules to expire will not harm travel agencies, because the systems are already offering travel agencies better terms than those required by our rules.

(b) *Access to Complete Information on Fares and Services.* The other major issue raised by the commenters on our initial regulatory flexibility statement was the complaint that our decision on which rules should be proposed would allegedly deny travel agencies the tools that they need to serve their customers. This complaint stems from our proposed elimination of the mandatory participation rule and our tentative decision that we should not adopt a rule requiring airlines to make all publicly-available fares, or at least all webfares, saleable through each of the systems. The comments have not persuaded us that either tentative decision was erroneous. Ending the mandatory participation rule, and not requiring airlines to make all fares available through all distribution channels, will promote competition in the airline distribution business without causing significant harm to travel agents.

The travel agencies' interest in these rule issues arises because of their desire to be able to book webfares through their systems. If travel agents can only book webfares through an airline's own website, or through on-line agencies that have access to webfares, travel agents will be unable to operate as efficiently. Travel agents want access to webfares, even though webfares make up a small share of all ticket sales, because webfares can be significantly lower than other fares.

While maintaining the mandatory participation rule and the adoption of a rule requiring each airline to provide each system with access to all of its publicly-available fares could benefit travel agencies, the record in this proceeding would not justify the imposition of such requirements on airlines, as explained next, starting with the mandatory participation rule.

(i) *The Mandatory Participation Rule.* The mandatory participation rule covers airlines with a significant ownership interest in a system. As a result of Worldspan's sale by its three U.S. airline owners, no system now has any significant U.S. airline ownership, although Amadeus, the system with the smallest U.S. market share, is primarily owned by three foreign airlines, Air France, Iberia, and Lufthansa. Those three airlines are currently the only airlines subject to the mandatory participation requirement. Orbitz' five U.S. airline owners would become subject to the requirement if Orbitz began operating as a system, but Orbitz represents that it will not enter the CRS business if its owners would then become subject to the mandatory participation rule. Transcript at 78–79.

We have concluded that maintaining the mandatory participation rule would unreasonably restrict the ability of airlines to negotiate with the systems for better terms for participation. An airline with a system ownership interest should be able to choose whether and at what level it will participate in competing systems, and its ability to choose will give it some bargaining leverage that may enable it to obtain better terms for participation. *See also* Justice Department Reply Comments at 23.

Furthermore, the U.S. airlines' divestiture of their CRS ownership

interests has eliminated the original basis for the rule. We originally adopted the rule as a result of evidence suggesting that some airlines with a CRS ownership interest lowered their participation level in competing systems, or denied those systems access to fares and functionality desired by travel agents, in order to give their affiliated system a competitive advantage. 56 FR 12608. When we adopted the rule, competition between the systems, each then controlled by one or more airlines, represented another avenue for airline competition. That is no longer the case, because no system now has a U.S. airline owner. While the systems continue to have marketing relationships with their former owners, those ties have become relatively unimportant in determining an airline's decisions on the extent of its participation in rival systems. American Comments at 30; Large Agency Coalition Comments at 14; Large Agency Coalition Reply Comments at 16–17.

More importantly, eliminating the mandatory participation rule should not harm travel agencies, even if the rule covered several U.S. airlines rather than only three European airlines. Recent experience suggests that the elimination of the mandatory participation rule will not lead to radical changes in CRS participation levels by the airlines that have had a system ownership interest. Each system has some market power over most airlines, because the airlines' distribution needs require most airlines to participate in each system. All of the major network airlines participate in each system at the highest level, and they do so in order to promote the sale of their services by the travel agents using each system. Transcript at 140; Amadeus Reply Comments at 24. United has chosen to participate at the highest level even though it has not been subject to the mandatory participation rule for some time. In addition, each of Orbitz' owner airlines has agreed with Sabre and Galileo to make its webfares saleable through the system in return for reduced booking fees and other commitments, even though Orbitz'' ability to sell webfares had been a major selling point for that on-line travel agency and some airlines complain that the booking fee reductions were not as large as they should have been. The willingness of these airlines to sell their webfares through Sabre and Galileo supports our expectation that the elimination of the mandatory participation rule will not lead airlines to deny the systems reasonable access to their fares and services.

Even if the record suggested, however, that the elimination of the mandatory participation rule would harm travel agencies by leading to major changes in participation levels, we would likely be unable to readopt the rule. Section 411 authorizes us to prohibit practices that violate the antitrust laws or antitrust principles, as discussed above, but does not empower us to impose requirements on airlines in order to increase the efficiency of travel agency operations or give travel agencies a better opportunity to compete against other distribution channels. For purposes of our regulatory flexibility analysis, we are not obligated to treat rule proposals that could not be adopted under our statutory authority as alternatives that must be considered in the final regulatory flexibility analysis. *Greater Dallas Home Care Alliance* v. *United States,* 36 F. Supp. 3d 765, 769–770 (N.D. Tex. 1999). *Cf. American Airlines* v. *Dept. of Transportation,* 202 F.3d 788, 803–804 (5th Cir. 2000).

(ii) *Requiring Airlines To Make Fares Available Through All Distribution Channels.* To facilitate their ability to win and serve customers, several travel agency commenters also ask us to require airlines to make all fares available through all distribution channels. This proposal originated in the airlines' initial practice of making webfares available only through an airline's own Web site and then, as a result of Orbitz' offer to give airlines a rebate on their booking fees in exchange for access to the webfares, of making the fares saleable through Orbitz as well. Until recently webfares typically were not available through any system. Travel agents thus could not book webfares through a system, and they could learn whether the fares were available only by accessing the airline's own website or an on-line travel agency that offered webfares. Going outside the system to look for webfares and booking webfares through Orbitz or an airline website are not as efficient for travel agents.

A rule requiring airlines to offer all fares through all channels no longer appears necessary. Two of the systems—Sabre and Galileo—have gained access to the webfares of several major airlines by offering to reduce their booking fees in exchange for a commitment to make all publicly-available fares saleable through the system. Subscribers to Sabre and Galileo, which together have a 65 percent market share, now have access to the webfares offered by major airlines. The other two systems—Amadeus and Worldspan—should be able to obtain access to many webfares by making similar offers to participating airlines.

Requiring airlines to make all publicly-available fares saleable through each system would provide efficiency benefits for travel agents and make it easier for consumers to obtain comprehensive information on the fares and services available in each airline market. Consumers, however, would be unlikely to obtain all of the low fares now being offered by airlines. If airlines had to make all fares, including webfares, available through all distribution channels, no matter how costly, airlines would presumably cut back their offering of discount fares like webfares. Airlines are more willing to offer lower fares when they can use distribution channels that are less costly. Because the travel agency/CRS distribution channel is a relatively costly channel for airlines, requiring airlines to make low fares available through that channel would probably eliminate the low fares that can be economically offered only when doing so will save distribution costs. America West Comments at 32; United Reply Comments at 51–52.

Such a requirement would also unreasonably limit each airline's discretion on how it should best distribute its services. Airlines should be free to offer special fares and services through distribution channels that are less costly or more effective. Airlines in fact have long given selected distribution channels the ability to sell fares that other channels cannot sell. *See, e.g.*, 67 FR 69413; America West Comments at 33. Travel agencies have engaged in similar behavior. 67 FR 69413. Two successful low-fare U.S. airlines—Southwest and JetBlue—have chosen not to participate in all of the systems and instead to focus their marketing efforts on encouraging travelers to buy tickets directly from their reservations agents and websites. New entrant airlines like JetBlue will necessarily be small entities. Compelling those airlines to change their distribution strategies would be a radical departure from our past use of our section 411 authority.

Airlines, moreover, should be able to use their control over access to their webfares as a bargaining tool for getting better terms for CRS participation. Amadeus Comments at 10; American Comments at 27. The airlines' ability to deny access to their webfares has caused two of the systems, Sabre and Galileo, to give airlines booking fee reductions in exchange for the ability to sell their webfares.

The National Commission to Ensure Consumer Information and Choice in the Airline Industry, which had been charged by Congress to study travel agency access to webfares and related issues, issued a report that concluded that airlines should not be required to

make all fares available through all distribution channels. The Commission reasoned that such a requirement would substantially harm consumers, because airlines would stop offering some low webfares, would be contrary to the industry's use of different distribution channels to dispose of specific types of inventory, and would not solve the travel agency industry's basic problems, particularly the growing use of the Internet. ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002), at 56–58.

Furthermore, our authority under section 411 would not allow us to adopt a rule requiring airlines to make all fares—or even all webfares—available through all distribution channels. Such a rule accordingly is not an available alternative to the rules we are adopting. As shown, section 411 authorizes us to prohibit practices that violate the antitrust laws or antitrust principles. The antitrust laws generally do not prohibit firms from choosing to distribute their products and services through some outlets and not others. The antitrust laws do not restrict a firm's distribution choices, even if those choices undermine the ability of some distributors to stay in business, unless the firm's conduct unreasonably restricts competition. While section 411 gives us somewhat broader authority over business practices in the airline and airline distribution businesses, the record in this proceeding would not justify a finding that an airline's decision to limit the offering of some fares or services to selected distribution channels is an unfair method of competition.

(iii) *Relationships between Airlines and Systems.* The final rule will affect the systems' treatment of airlines by prohibiting display bias and certain types of contractual provisions that will tend to maintain the systems' market power and unreasonably deny airlines the ability to determine how to distribute their services. The final rule will not include such provisions of the existing rules as the rule prohibiting discriminatory booking fees.

The commenters on our initial regulatory flexibility analysis did not address the potential impact of our rule proposals on airlines that are small entities. The final rule, as indicated, will prohibit certain types of system conduct that could unduly prejudice the competitive position of some airlines and deny them a reasonable opportunity to determine how best to distribute their services. These provisions will give smaller airlines more choice. The final rule will also maintain the rules prohibiting display bias. These provisions should benefit participating airlines, particularly smaller airlines. At the same time, we are not readopting other provisions, such as the prohibition against differential booking fees, which could protect smaller airlines against potential system practices that might undermine the competitive position of individual airlines. As discussed earlier in this rule, we have concluded that the record in this proceeding and the limits of our authority under section 411 would not allow us to readopt those rules. In particular, the record would not justify a finding that a system would be engaged in an unfair method of competition if it charged some airlines higher fees than those paid by other airlines.

The earlier discussion in this document explains the overall basis for our decision to bar the two types of unreasonably restrictive clauses in contracts between airlines and systems. These rule provisions will impose no burden or restriction on airlines. These provisions will benefit airlines that are small entities, because the provisions will prevent system practices that would deny an airline the ability to choose the level of service that it will buy from each system and to choose which distribution channels (and which systems, if any) will have access to its most attractive fares, including its webfares. Airlines could potentially reduce their distribution costs if they could choose to buy a lower level of service in one system without being compelled by a parity clause to pay for a higher level of service in that system. Similarly, an airline could encourage travellers to use lower-cost distribution channels, which would lower its distribution costs, if it could reserve attractive fares for the lower-cost channels rather then be required by contract to make the same fares available for sale through travel agents using a system, which tends to be a higher-cost method of distribution. Of course, airlines may bargain for lower CRS fees by agreeing to make all of their fares available for sale through a system and by accepting parity clauses. To the extent that systems may have market power and could therefore impose unreasonably restrictive terms for system participation if not barred from doing so, such system practices would be more likely to harm smaller airlines than larger airlines.

(iv) *Prohibition of Display Bias.* The final rule will maintain the existing prohibitions against display bias for six months. Maintaining the prohibition against display bias will enable travel agents to operate more efficiently and give airlines a better opportunity to compete on the basis of the relative price and quality of their services. The six-month period will facilitate an orderly transition to complete deregulation.

Immediately ending the prohibition against display bias would enable systems to sell bias—preferential display positions—to individual airlines. While an airline's purchase of bias would enable that airline to obtain more bookings, even if rival airlines offered more attractive service or better fares, the airline would incur the cost of buying the bias, which would increase its total expenses. Moreover, allowing systems to sell preferential display positions could increase the airlines' aggregate expenses while not generating increased traffic. Display bias could benefit larger airlines at the expense of smaller airlines, because larger airlines could have additional resources for purchasing bias, and operate route systems of greater scope.

Some airlines and travel agency commenters urge us to broaden the rule against display bias by prohibiting systems from displaying a single service under multiple airline codes. We have determined not to adopt that proposal. The multiple display of code-share services for a single flight can put competing airline services at a disadvantage by lowering their position in a system's display. Code-sharing arrangements generally involve at least one large airline. However, the arrangements typically involve smaller airlines as well, such as commuter airlines serving smaller communities from a major airline's hubs or airlines like Alaska that have entered into code-share agreements with larger airlines. Two of the systems—Sabre and Amadeus—already limit the display of code-share services, and the other two systems could do so if they wish. Because the systems no longer are owned or controlled by U.S. airlines, they should have an incentive to limit the display of code-share flights if travel agents consider the multiple listings of a single service under different codes to reduce the value of the display.

(c) *Description of Small Entities To Which the Rule Will Apply.* Our final rule will directly regulate the systems' practices in several respects, but none of the systems is a small entity.

Most U.S. airlines are small entities, and our final rule will bar systems from imposing certain types of contract requirements on participating airlines. The statistics given us by the Small Business Administration (''SBA'')

indicate that there are 383 small entities that are U.S. passenger airlines out of a total of 397 U.S. passenger airlines. These rule provisions will benefit small airlines, as will the prohibition against display bias.

The rule will not apply to any other small entities. The rule will indirectly affect travel agencies, most of which are small entities, primarily because the rule will continue to prohibit display bias, a practice that decreases the efficiency of travel agency operations and the ability of travel agents to select the airline services that best meet their customers' needs. The final rule maintains none of the existing rules regulating contracts between systems and subscribers. The SBA has concluded that less than 500 travel agencies are not small entities. In 2001, there were 18,425 travel agencies, of which 117 had annual airline ticket sales that exceeded $50 million while 1,015 had annual airline ticket sales between $5 million and $50 million and the remaining 17,293 had annual airline ticket sales of less than $5 million. ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents,'' National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (November 13, 2002), at 113.

The NFIB Legal Foundation suggests that we should consider the interests of small businesses as consumers of air transportation, particularly because many of them rely on travel agents for researching and booking air transportation. NFIB Legal Foundation Comments at 2. We expect that our final rule will encourage more competition in the airline and airline distribution businesses, which will benefit consumers. The Regulatory Flexibility Act, however, requires a final regulatory flexibility statement only insofar as the agency rule directly regulates small entities. *American Trucking Ass'ns* v. *U.S. EPA,* 175 F.3d 1027, 1043–1045 (D.C. Cir. 1999), *rev'd on other grounds,* 531 U.S. 457 (2001); *Motor & Equipment Mfrs. Ass'n* v. *Nichols,* 142 F.3d 449, 467 (D.C. Cir. 1998); *United Distribution Companies* v. *FERC,* 88 F.3d 1105, 1170 (D.C. Cir. 1996); *Mid-Tex Electric Cooperative* v. *FERC*, 773 F.2d 327, 342 (D.C. Cir. 1985). No additional analysis is therefore required by the Regulatory Flexibility Act on the possible impact on consumers, but, as noted, we expect that the final rule will benefit consumers.

(d) *Reporting, Recordkeeping, and Other Compliance Requirements.* Our final rule contains no direct reporting, record-keeping, or other compliance requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with our proposed rules.

(e) *Steps Taken to Minimize the Significant Economic Impact.* Our discussion above of the significant issues raised by the public comments and our response to those comments explains why we are adopting the final rule rather than the other rule proposals suggested in our notice of proposed rulemaking and the comments. As stated, our final rule will have no direct economic impact on any small entities, except small airlines, because the final rule regulates only the systems' displays and certain features of their contracts with participating airlines. The final rule will impose no direct regulatory requirements on airlines that are small entities (or on travel agencies or other firms that are small entities). We have found, as discussed above, that the rule's direct economic impact on airlines should be beneficial. We have considered as a matter of overall economic policy whether we should adopt fewer rules, or rules that would impose fewer restrictions on the systems' operations. Because the impact on small entities should be beneficial, we have not needed to whether alternatives are available that would minimize the rule's impact on the small entities affected by the rule, the smaller airlines. The final rule contains no provision regulating the systems' relationships with travel agencies. The final rule will indirectly affect small entities, because we are not readopting most of the existing rules governing the systems' relationships with participating airlines or any of the current rules governing subscriber contracts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law. 104–121, we want to assist small entities in understanding the rule so that they can better evaluate its effects on them and take it into account in operating their businesses. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or requirements, please consult Thomas Ray at (202) 366–4731.

Paperwork Reduction Act

These rules contain no collection-of-information requirements subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. Chapter 35. *See* 57 FR at 43834.

Federalism Implications

These rules will have no 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 13132, dated August 4, 1999, we have determined that the rules do not present sufficient federalism implications to warrant consultations with State and local governments.

Taking of Private Property

These rules will not effect a taking or private property or otherwise have taking implications under Executive Order 12630, Government Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

We have analyzed these rules under Executive Order 13045, Protection of Children from Environmental Heath Risks and Safety Risks. These rules do not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Consultation and Coordination With Tribal Governments.

These rules will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Therefore, they are exempt from the consultation requirements of Executive Order 13175. No tribal implications were identified during the comment period.

Energy Effects

We have analyzed these rules under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that they are not classified as a ''significant energy action'' under that order because they are a ''significant regulatory action'' under Executive Order 12866 and would not have a significant adverse effect on the supply, distribution, or use of energy.

Environment

These rules will have no significant impact on the environment. Therefore, an Environmental Impact Statement is

not required under the National Environmental Policy Act of 1969.

List of Subjects in 14 CFR Part 255

Air carriers, Antitrust, Consumer protection, Reporting and recordkeeping requirements, Travel agents.

■ 1. Accordingly the Department revises 14 CFR Part 255 to read as follows:

PART 255—AIRLINE COMPUTER RESERVATIONS SYSTEMS

Sec.
255.1 Purpose.
255.2 Applicability.
255.3 Definitions.
255.4 Display of information.
255.5 Contracts with participating carriers.
255.6 Exceptions.
255.7 Prohibition against carrier bias.
255.8 Sunset Date.

Authority: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

§ 255.1. Purpose.

(a) The purpose of this part is to set forth requirements for the operation of computer reservations systems used by travel agents and certain related air carrier distribution practices so as to prevent unfair, deceptive, predatory, and anticompetitive practices in air transportation and the sale of air transportation.

(b) Nothing in this part operates to exempt any person from the operation of the antitrust laws set forth in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12).

§ 255.2. Applicability.

This part applies to firms that operate computerized reservations systems for travel agents in the United States, and to the sale in the United States of interstate, overseas, and foreign air transportation through such systems.

§ 255.3. Definitions.

''Availability'' means information provided in displays with respect to the seats a carrier holds out as available for sale on a particular flight.

''Carrier'' means any air carrier, any foreign air carrier, and any commuter air carrier, as defined in 49 U.S.C. 40102(3), 49 U.S.C. 40102(22), and 14 CFR 298.2(f), respectively, that is engaged directly in the operation of aircraft in passenger air transportation.

''Display'' means the system's presentation of carrier schedules, fares, rules or availability to a subscriber by means of a computer terminal.

''Integrated display'' means any display that includes the schedules, fares, rules, or availability of all or a significant proportion of the system's participating carriers.

''On-time performance code'' means a single-character code supplied by a carrier to the system in accordance with the provisions of 14 CFR Part 234 that reflects the monthly on-time performance history of a nonstop flight or one-stop or multi-stop single plane operation held out by the carrier in a CRS.

''Participating carrier'' means a carrier that has an agreement with a system for display of its schedules, fares, or seat availability, or for the making of reservations or issuance of tickets through a system.

''Subscriber'' means a ticket agent, as defined in 49 U.S.C. 40102(40), that holds itself out as a source of information about, or reservations for, the air transportation industry and that uses a system.

''System'' means a computerized reservations system offered to subscribers for use in the United States that contains information about schedules, fares, rules or availability of carriers and provides subscribers with the ability to make reservations, if it charges any carrier a fee for system services. It does not mean direct connections between a ticket agent and the internal reservations systems of individual carriers.

§ 255.4 Display of information.

(a) All systems shall provide at least one integrated display that includes the schedules, fares, rules, and availability of all participating carriers in accordance with the provisions of this section. This display shall be at least as useful for subscribers, in terms of functions or enhancements offered and the ease with which such functions or enhancements can be performed or implemented, as any other displays maintained by the system vendor. No system shall make available to subscribers any integrated display unless that display complies with the requirements of this section.

(1) Each system must offer an integrated display that uses the same editing and ranking criteria for both on-line and interline connections and does not give on-line connections a system-imposed preference over interline connections. This display shall be at least as useful for subscribers, in terms of functions or enhancements offered and the ease with which such functions or enhancements can be performed or implemented, as any other display maintained by the system vendor.

(2) Each integrated display offered by a system must either use elapsed time as a significant factor in selecting service options from the database or give single-plane flights a preference over connecting services in ranking services in displays.

(b) In ordering the information contained in an integrated display, systems shall not use any factors directly or indirectly relating to carrier identity.

(1) Systems may order the display of information on the basis of any service criteria that do not reflect carrier identity and that are consistently applied to all carriers and to all markets.

(2) When a flight involves a change of aircraft at a point before the final destination, the display shall indicate that passengers on the flight will change from one aircraft to another.

(3) Each system shall provide to any person upon request the current criteria used in editing and ordering flights for the integrated displays and the weight given to each criterion and the specifications used by the system's programmers in constructing the algorithm.

(c) Systems shall not use any factors directly or indirectly relating to carrier identity in constructing the display of connecting flights in an integrated display.

(1) Systems shall select the connecting points (and double connect points) to be used in the construction of connecting flights for each city pair on the basis of service criteria that do not reflect carrier identity and that are applied consistently to all carriers and to all markets.

(2) Systems shall select connecting flights for inclusion (''edit'') on the basis of service criteria that do not reflect carrier identity and that are applied consistently to all carriers.

(3) Systems shall provide to any person upon request current information on:

(i) All connecting points and double connect points used for each market;

(ii) All criteria used to select connecting points and double connect points;

(iii) All criteria used to ''edit'' connecting flights; and

(iv) The weight given to each criterion in paragraphs (c)(3)(ii) and (iii) of this section.

(4) Participating carriers shall be entitled to request that a system use up to five connect points (and double connect points) in constructing connecting flights for the display of service in a market. The system may require participating carriers to use specified procedures for such requests, but no such procedures may be unreasonably burdensome, and any procedures required of participating carriers must be applied without

unreasonable discrimination between participating airlines.

(5) When a system selects connecting points and double connect points for use in constructing connecting flights it shall use at least fifteen points and six double connect points for each city-pair, except that a system may select fewer such connect or double connect points for a city-pair where:

(i) Fewer than fifteen connecting points and six double connect points meet the service criteria described in paragraph (c)(1) of this section; and

(ii) The system has used all the points that meet those criteria, along with all additional connecting points and double connect points requested by participating carriers.

(6) If a system selects connecting points and double connect points for use in constructing connecting flights it shall use every point requested by a participating carrier up to the maximum number of points that the system can use. The system may use fewer than all the connect points requested by participating carriers to the extent that:

(i) Points requested by participating carriers do not meet the service criteria described in paragraph (c)(1) of this section; and

(ii) The system has used all the points that meet those criteria.

(d) Each system shall apply the same standards of care and timeliness to loading information concerning every participating carrier. Each system shall display accurately information submitted by participating carriers. Each system shall provide to any person upon request all current data base update procedures and data formats.

(e) Systems shall use or display information concerning on-time performance of flights as follows:

(1) Within 10 days after receiving the information from participating carriers or third parties, each system shall include in all integrated schedule and availability displays the on-time performance code for each nonstop flight segment and one-stop or multi-stop single plane flight, for which a participating carrier provides a code.

(2) A system shall not use on-time flight performance as a ranking factor in ordering information contained in an integrated display.

(f) Each participating carrier shall ensure that complete and accurate information is provided each system in a form such that the system is able to display its flights in accordance with this section.

(g) A system may make available to subscribers the internal reservations system display of a participating carrier, provided that a subscriber and its employees may see any such display only by requesting it for a specific transaction.

§ 255.5 Contracts with participating carriers.

(a) No system may require a carrier to maintain any particular level of participation or buy any enhancements in its system on the basis of participation levels or enhancements selected by that carrier in any other foreign or domestic computerized reservations system, as a condition to participation in the system.

(b) No system may require any carrier as a condition to participation to provide it with fares that the carrier has chosen not to sell through that system.

§ 255.6 Exceptions.

The obligations of a system under § 255.4 shall not apply with respect to a carrier that refuses to enter into and comply with a participating airline contract with that system.

§ 255.7 Prohibition against Carrier Bias.

No carrier may induce or attempt to induce a system to create a display that would not comply with the requirements of § 255.4.

§ 255.8 Sunset Date.

Unless extended by a document published in the **Federal Register**, these rules shall terminate on July 31, 2004.

Issued in Washington, DC, on December 31, 2003.

Norman Y. Mineta,

Secretary of Transportation.

[FR Doc. 03–32338 Filed 12–31–03; 3:16 pm]

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