

Dated: September 30, 2013.

Oliver Potts,

*Deputy Executive Secretary to the
Department, Department of Health and
Human Services.*

[FR Doc. 2013-24211 Filed 9-30-13; 4:15 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 413 and 424

[CMS-1446-CN]

RIN 0938-AR65

Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2014; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule published in the August 6, 2013, *Federal Register* entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2014.”

DATES: These corrections are effective October 1, 2013.

FOR FURTHER INFORMATION CONTACT: John Kane, (410) 786-0557.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2013-18776 of August 6, 2013 (78 FR 47936), there were a number of technical errors that are identified and corrected in the Correction of Errors section below. The provisions in this correction document are effective as if they had been included in FR Doc. 2013-18776 published August 6, 2013, hereinafter referred to as the FY 2014 SNF PPS final rule. Accordingly, the corrections are effective October 1, 2013.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 47958, in our discussion of consolidated billing, a citation to the Medicare Claims Processing Manual (CMS Publication 100-04) was inadvertently abbreviated incorrectly.

On page 47963, in our discussion of ensuring accuracy in grouping to rehabilitation RUG-IV categories, a citation to the Medicare Benefit Policy

Manual (CMS Publication 100-02) was inadvertently abbreviated incorrectly.

B. Summary of Errors in the Addenda

On pages 47969 through 47975, in Table A: FY 2014 Wage Index for Urban Areas Based on CBSA Labor Market Areas, we inadvertently included several incorrect urban area titles for certain core-based statistical areas (CBSAs). As the result of receiving a corrected hospital cost report file, we also determined that we had inadvertently used incorrect wage data in calculating the wage index value for CBSA 30780 (Little Rock-North Little Rock-Conway AR), producing an incorrect wage index value for this CBSA.

III. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a notice of proposed rulemaking in the *Federal Register* to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the *Federal Register*. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

We find for good cause that it is unnecessary to undertake notice and comment rulemaking because this document merely provides technical corrections to the FY 2014 SNF PPS final rule in the preamble and addenda. We are not making substantive changes to our payment methodologies or policies, but rather, are simply implementing correctly the payment methodologies and policies that we previously proposed, received comment on, and subsequently finalized. This correction document is intended solely to ensure that the FY 2014 SNF PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe that undertaking further notice and comment rulemaking activity in connection with it would be

unnecessary and contrary to the public interest.

Further, we believe a delayed effective date is unnecessary because this correction document merely corrects inadvertent technical errors. The corrections noted above do not make any substantive changes to the SNF PPS payment methodologies or policies. Moreover, we regard imposing a delay in the effective date as being contrary to the public interest. We believe that it is in the public interest for providers to receive appropriate SNF PPS payments in as timely a manner as possible and to ensure that the FY 2014 SNF PPS final rule accurately reflects our payment methodologies, payment rates, and policies. Therefore, we find good cause to waive notice and comment procedures, as well as the 30-day delay in effective date.

Correction of Errors

In FR Doc. 2013-18776 of August 6, 2013 (78 FR 47936), make the following corrections:

A. Corrections to the Preamble

1. On page 47958, third column, first paragraph, lines 30 and 31, the parenthetical citation “(see Pub. L. 100-04, ch. 6, § 20.4)” is corrected to read “(see Pub. 100-04, ch. 6, § 20.4)”.

2. On page 47963, first column, third full paragraph, lines 10 and 11, the parenthetical citation “(see Pub. L. 100-02, ch. 8, § 30.6)” is corrected to read “(see Pub. 100-02, ch. 8, sec. 30.6)”.

B. Corrections to the Addendum

1. On pages 47969 through 47975 in Table A—FY 2014 Wage Index for Urban Areas Based on CBSA Labor Market Areas,

a. The urban areas for the listed entries (CBSAs) are corrected to read as follows:

CBSA code	Urban area (constituent counties)	Wage index
12420	Austin-Round Rock-San Marcos, TX.	0.9576
12540	Bakersfield-Delano, CA.	1.1579
13644	Bethesda-Rockville-Frederick, MD.	1.0319
16740	Charlotte-Gastonia-Rock Hill, NC-SC.	0.9447
22744	Fort Lauderdale-Pompano Beach-Deerfield, FL.	1.0378

b. The wage index for the listed entry (CBSA 30780) is corrected to read as follows:

CBSA code	Urban area (constituent counties)	Wage index
30780	Little Rock-North Little Rock-Conway, AR.	0.8632

c. The urban areas for the listed entries (CBSAs) are corrected to read as follows:

CBSA code	Urban area (constituent counties)	Wage index
36740	Orlando-Kissimmee-Sanford, FL.	0.9063
38900	Portland-Vancouver-Hillsboro, OR-WA.	1.1766
41700	San Antonio-New Braunfels, TX.	0.8911

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 27, 2013.

Jennifer M. Cannistra,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2013-24080 Filed 9-30-13; 4:15 pm]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 87

[WT Docket Nos. 10-61 and 09-42, RM-11503, RM-11596; FCC 13-30]

Aviation Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) amends its rules to authorize the use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment, commonly referred to as vehicle “squitters,” to help reduce collisions between aircraft and airport ground vehicles. In addition, we establish service rules for audio visual warning systems to help aircraft in flight avoid antenna structures and other obstacles. We also adopt rules to permit ground testing of aviation data link systems, and decline to authorize remote monitoring of certain automated ground stations.

DATES: Effective November 4, 2013. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 4, 2013.

FOR FURTHER INFORMATION CONTACT: Tim Maguire, Mobility Division, Wireless Telecommunications Bureau at (202) 418-2155.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s *Report and Order (R&O)*, in WT Docket No. 10-61; FCC 13-30, adopted February 28, 2013, and released March 1, 2013. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Room CY-A257, Washington, DC 20554, or by downloading the text from the Commission’s Web site at http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0301/FCC-13-30A1.pdf. The complete text also may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Suite CY-B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to FCC504@fcc.gov or calling the Consumer and Government Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Background

1. Air traffic controllers utilize airport surface detection equipment (ASDE-X) to manage the movement of aircraft on airport surfaces, but the current system does not allow the positive identification of ground vehicles such as snowplows and maintenance vehicles that routinely operate on the runway movement area. *See* 47 CFR 87.345. Unless the vehicle is visible from the control tower, air traffic controllers can determine only its location, but not the vehicle type or the operator. *See NPRM, 25 FCC Rcd at 3356 para. 3.* In response to growing concerns about airplanes colliding with or having to take evasive maneuvers to avoid vehicles on the airport surface, the Federal Aviation Administration (FAA) seeks to expand the use of ASDE-X to manage the movement of service vehicles as well as aircraft in the runway movement area.

2. The National Telecommunications and Information Administration (NTIA), supported by the FAA, filed a petition for rulemaking requesting that the Commission amend part 87 of the Commission’s rules to allow use of frequency 1090 MHz for tracking of ground vehicle movements on the airport surface. *See Petition for Rulemaking of the National Telecommunications and Information Administration (July 29, 2008).* In the *Notice of Proposed Rulemaking and*

Order (NPRM), the Commission noted that the frequency 1090 MHz is currently used for ASDE-X to manage the movement of aircraft on airport surfaces and for other things, such as the Traffic Alert and Collision Avoidance System (TCAS),¹ but tentatively concluded that permitting use of the frequency by vehicle squitters would further the public interest. *See NPRM, 25 FCC Rcd at 3356 paras. 6-7.*

3. Accordingly, the Commission sought comment on proposed technical and service rules for vehicle squitters on frequency 1090 MHz. *See NPRM, 25 FCC Rcd at 3357 paras. 9-14.* The NPRM sought comment on whether the Commission should limit operation of vehicle squitters to the runway movement area to prevent use of the system for purposes other than vehicle and aircraft safety (such as tracking baggage carts). *See NPRM, 25 FCC Rcd at 3357 paras. 12.* The NPRM also tentatively agreed with NTIA’s proposal that the Commission coordinate applications with the FAA through the Interdepartment Radio Advisory Committee (IRAC), and it sought comment on whether the Commission should require applicants to pre-coordinate with the relevant FAA Regional Office before filing an application with the Commission. *See NPRM, 25 FCC Rcd at 3357 para. 13.*

I. Procedural Matters

A. Paperwork Reduction Act Analysis

4. This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. Specifically, it requires prospective DLT station licensees to coordinate their applications with ASRI, the aeronautical enroute station

¹ TCAS is an airborne warning system designed to avert mid-air collisions. *See Review of part 87 of the Commission’s Rules Concerning the Aviation Radio Service, Report and Order and Further Notice of Proposed Rule Making, WT Docket No. 01-289, 18 FCC Rcd 21432, 21467 n.265 (2003) (Part 87 Report and Order).* In the *Part 87 Report and Order*, the Commission adopted a proposal to permit ground testing of TCAS on frequency 1090 MHz, and amended § 87.475(c)(2) of the rules, 47 CFR 87.475(c)(2), accordingly. *See Part 87 Report and Order, 18 FCC Rcd at 21467 para. 74.* When it amended § 87.475(c)(2) later in that proceeding, however, the Commission inadvertently removed the language authorizing ground testing of TCAS on 1090 MHz. *See Review of part 87 of the Commission’s Rules Concerning the Aviation Radio Service, Second Report and Order and Second Further Notice of Proposed Rule Making, WT Docket No. 01-289, 21 FCC Rcd 11582, 11587-88 para. 6 (2006) (Part 87 Second Report and Order).* In the NPRM in this proceeding, the Commission proposed to correct that error by amending § 87.475(c)(2) to restore the deleted language. *See NPRM, 25 FCC Rcd at 3357 n.13.* We now adopt the proposed correction.