

notice and comment process is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and the reasons for it into the notice issued.

The policies and payment methodology expressed in the FY 2006 final rule (70 FR 47880) have previously been subjected to notice and comment procedures. This correction notice merely provides technical corrections to the FY 2006 final rule that was promulgated through notice and comment rulemaking, and does not make substantive changes to the policies or payment methodology that were expressed in the final rule. For example, this notice corrects typographical errors and typesetting errors, revises inaccurate tabular data due to inadvertently neglecting to apply any rural adjustment amount to estimated payments for four IRFs in conformance with the hold harmless policy, updates the narrative to reflect the correct tabular data, corrects some estimated dollar impacts due to inadvertently computing the estimates using the incorrect standard payment conversion factor, and makes clarifications to the preamble text. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice. We also believe it is in the public interest to waive notice and comment procedures and the 30-day delay in effective date for this notice. This correction notice is intended to ensure that the FY 2006 final rule accurately reflects the policies expressed in the final rule, and that the correct information is made available to the public prior to October 1, 2005, the date on which the final rule becomes effective.

For the reasons stated above, we find that both notice and comment and the 30-day delay in effective date for this correction notice are unnecessary and impracticable, and that it is in the public interest to make this notice effective in conjunction with the final rule to which the corrections apply (and would be contrary to the public interest to do otherwise). Therefore, we find good cause to waive notice and comment procedures and the 30-day

delay in effective date for this correction notice.

(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, 2005.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 05–19610 Filed 9–29–05; 8:45 am]

**BILLING CODE 4120–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 418**

[CMS–1286–CN]

**RIN 0938–AN89**

**Medicare Program; Hospice Wage Index for Fiscal Year 2006**

**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 **Federal Register** on August 4, 2005, entitled “Hospice Wage Index for Fiscal Year 2006.” This document is effective on October 1, 2005, the effective date of the provisions of the final rule.

**EFFECTIVE DATE:** This notice is effective on October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Terri Deutsch, (410) 786–9462.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

**Federal Register** Doc. 05–15290 of August 4, 2005 (70 FR 45130), entitled “Hospice Wage Index for Fiscal Year 2006,” includes errors that are identified and corrected in the “Correction of Errors” section below. The errors in this correcting notice are effective as if they had been included in the document published on August 4, 2005. Accordingly, the corrections are

effective on October 1, 2005, the effective date of the provisions of the August 4, 2005 final rule.

**II. Summary of the Corrections to the August 4, 2005 Final Rule**

In the August 4, 2005 final rule, on pages 45146 through 45167, we published an Addendum. In Table A of the addendum, we published the updated urban and rural wage index values for hospices utilizing the Core-Based Statistical Areas (CBSA) designations. To ensure that hospice providers were able to identify their current wage index, Table A contains the CBSA code, CBSA wage index, CBSA county name, and the current MSA designation. There are typographical errors in the wage indexes listed in the table that were as a result of formatting the columns. In addition, in several sections throughout the table (that is, for the CBSA county names located in the urban areas of Gainesville, FL; Newark Union, NJ–PA; Waterloo-Cedar Falls, LA; and Wilmington, DE–MD–NJ), we inadvertently omitted the asterisk that corresponds to the footnotes that appear at the end of the table.

This correction notice is consistent with the published hospice wage index values that will be used to make payment as of October 1, 2005. In section III of this notice, we provide a description of the errors and the changes being made to correct the errors. Thus, for clarity, we will republish only the section of the table that contains errors.

**III. Correction of Errors**

■ In **Federal Register** Doc. 05–15290 of August 4, 2005 (70 FR 45130), we are making the following corrections to Table A—Hospice Wage Index for Urban Areas by CBSA:

**§ 418.304 [Corrected]**

■ 1. On page 45146, in the third column, in lines 15 and 16, for CBSA code 10420, indent the CBSA county name for “Portage, OH” and “Summit, OH” to follow the format of the table.

The CBSA code for 10420 should read as follows:

CBSA code	Wage Index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
10420 .....	0.9604	Akron, OH ..... Portage, OH Summit, OH	0080

■ 2. On page 45150, in the third column, in lines 25 through 27, for CBSA code

17420, move the CBSA county name for “Cleveland, TN” to line-up with the

column and indent the CBSA county

names for “Bradley, TN” and “Polk, TN” to follow the format of the table.

The CBSA code for 17420 should read as follows:

CBSA Code	Wage Index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
17420 .....	0.8337	Cleveland, TN ..... Bradley, TN ..... Polk, TN .....	44

■ 3. On page 45151—

■ A. In the second column, in the 12th entry, for CBSA code 19340, move the wage index value “0.9076” from the CBSA county name Rock Island, IL\* to “Mercer, IL\*.”

■ B. In the second column, in the 15th entry for CBSA code 19380, move the

wage index value “0.9579” from the CBSA county name Miami, OH\* to “Prebele, OH\*.”

■ C. In the third column, in the 14th line from the bottom, for CBSA code 19780, remove the figure from in front of the word “Madison.” In addition, indent the CBSA county name for

“Madison, IA\*,” to follow the format of the table.

The table for CBSA codes 19340, 19380, and 19780 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituents counties or country equivalents) <sup>2</sup>	MSA code
19340 .....	0.9305	Davenport-Moline-Rock Island, IA-IL. Henry, IL* .....	1960
	0.9076	Rock Island, IL* ..... Scott, IA* ..... Mercer, IL* .....	1960 1960 14

\* \* \* \* \*

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
19380 .....	0.9829	Dayton, OH. .... Greene, OH* .....	2000
	0.9579	Miami, OH* ..... Montgomery, OH* ..... Preble, OH* .....	2000 2000 36

\* \* \* \* \*

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
19780 .....	0.9828	Des Moines, IA*. Dallas, IA* .....	2120
	0.9449	Polk, IA* ..... Warren, IA* ..... Guthrie, IA* ..... Madison, IA* .....	2120 2120 16 16

■ 4. On page 45152, in the third column—

■ A. In line 14, for the CBSA code 20764, format the CBSA county name for “Ocean, NJ\*” to line-up with the CBSA county name “Monmouth, NJ\*.”

■ B. In the 10th line from the bottom, for CBSA code 22500, remove the asterisk from the CBSA county name for “Florence, SC.”

■ C. In the 8th and 9th lines from the bottom, for CBSA code 22500, add an asterisk to the CBSA county name for

“Florence, SC” and indent the CBSA county names for “Darlington, SC\* and Florence, SC” to follow the format of the table.

The table for CBSA code 20764 and 22500 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
20764 .....	1.1930	Edison, NJ. Middlesex, NJ* .....	5015
	1.1680	Somerset, NJ* ..... Monmouth, NJ* ..... Ocean, NJ* .....	5015 5190 5190

\* \* \* \* \*

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
22500 .....	0.9267 0.9436	Florence, SC. Darlington, SC* ..... Florence, SC* .....	42 2655

■ 5. On page 45153, in the third column, for CBSA code 23540, add an asterisk to the CBSA county name for “Alachua, FL” and “Gilchrist, FL.” The table for CBSA code 23540 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
23540 .....	0.9642 1.0033	Gainesville, FL. Alachua, FL* ..... Gilchrist, FL* .....	2900 10

■ 6. On page 45154, in the third column, in the 16th line from the bottom, for CBSA code 26580, indent the CBSA county name for “Boyd, KY” to follow the format of the table. The table for CBSA code 26580 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
26580 .....	1.0144	Huntington-Ashland, WV-KY-OH ..... Boyd, KY. Cabell, WV. Greenup, KY. Lawrence, OH. Wayne, WV.	3400

■ 7. On page 45159, in the third column, in lines 19 through 24, for CBSA code 35084, add an asterisk to the CBSA county name for “Pike, PA”, “Essex, NJ,” “Morris, NJ,” “Sussex, NJ,” “Union, NJ,” and “Hunterdon, NJ.” The table for CBSA code 35084 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
35084	1.2122 1.2363 1.2223	Newark-Union, NJ-PA. Pike, PA* ..... Essex, NJ* ..... Morris, NJ* ..... Sussex, NJ* ..... Union, NJ* ..... Hunterdon, NJ* .....	5660 5640 5640 5640 5640 5015

■ 8. On page 45160—  
 ■ A. In the first column, in the first entry from the bottom, for CBSA code 1.0183, remove the CBSA code “1.0183” and add in its place the CBSA code “38540.”  
 ■ B. In the second column, in the first entry from the bottom, in the wage index column, add the wage index value “1.0183” to the CBSA county name “Power, ID\*.”  
 The table for CBSA code 38540 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
38540 .....	0.9773 1.0183	Pocatello, ID.. Bannock, ID* ..... Power, ID* .....	6340 13

■ 9. On page 45166, in the third column, in the 6th through 9th lines from the bottom, for CBSA code 47940, add an asterisk to the CBSA county names for “Black Hawk, IA,” “Bremer, IA”, and “Grundy, IA.” The table for CBSA code 47940 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
47940 .....	0.9157 0.9113	Waterloo-Cedar Falls, IA. Black Hawk, IA * ..... Bremer, IA * ..... Grundy, IA * .....	8920 16 16

■ 10. On page 45167, in the third column, in lines 22 through 24, for CBSA code 48864, add an asterisk to the

CBSA county names for "Cecil, MD", New Castle, DE," and "Salem, NJ."

The table for CBSA code 48864 should read as follows:

CBSA code	Wage index <sup>1</sup>	Urban area (constituent counties or county equivalents) <sup>2</sup>	MSA code
48864 .....	1.1757 1.1600	Wilmington, DE-MD-NJ. Cecil, MD * ..... New Castle, DE * ..... Salem, NJ * .....	9160 9160 6160

#### IV. Waiver of Proposed Rulemaking

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 incorporate a statement of the finding and the reasons therefore in the notice.

The revisions contained in this rule, correct formatting and typographical errors in various sections of a table. These corrections are necessary to ensure that the final rule accurately reflects the correct wage index value used to calculate payment to hospices. Since they are not substantive and merely technical, we find that public comments on these revisions are both unnecessary and impracticable. Therefore, we find good cause to waive notice and comment procedures.

In addition, the Administrative Procedure Act (APA) normally requires a 30-day delay in the effective date of a final rule. Since this notice simply makes technical modifications to a final rule that has previously gone through notice-and-comment rulemaking and the corrections are only to formatting errors, we believe good cause also exists under the APA to waive the 30-day delay in the effective date. Thus, this notice is effective October 1, 2005.

(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, 2005.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 05-19609 Filed 9-29-05; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

##### Office of the Secretary

##### 43 CFR Part 10

##### RIN 1024-AC84

#### Native American Graves Protection and Repatriation Act Regulations

**AGENCY:** Department of the Interior.

**ACTION:** Final rule; Technical amendment.

**SUMMARY:** The Native American Graves Protection and Repatriation Act of 1990 (the Act) assigns responsibility for implementation to the Secretary of the Interior. Secretarial Order 3261 assigns some of these responsibilities to other positions in the Department of the Interior and National Park Service. This technical amendment amends the rule to be consistent with the new assignment of responsibilities.

**DATES:** Effective September 30, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sherry Hutt, Manager, National NAGPRA Program, National Park Service, 1849 C Street NW., (2253), Washington, DC 20240, telephone (202) 354-1479, facsimile (202) 371-5197, e-mail: *Sherry\_Hutt@nps.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 16, 1990, President George H.W. Bush signed the Native American Graves Protection and Repatriation Act of 1990 (the Act) into

law. The Act addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony with which they are affiliated. The Act assigns implementation responsibilities to the Secretary of the Interior.

##### Technical Amendment

Secretarial Order 3261 reassigns some of these implementation responsibilities to other positions in the Department of the Interior and National Park Service to ensure efficient and effective implementation of the statutory requirements.

Pursuant to the Secretarial Order, the Assistant Secretary for Fish and Wildlife and Parks is responsible for issuing regulations to carry out the Act after consultation with the Assistant Secretary for Indian Affairs; granting extensions of inventory deadlines; awarding grants to assist in implementation of NAGPRA to Indian tribes, Native Hawaiian organizations, and museums. In consultation with the Office of the Solicitor, the Assistant Secretary for Fish and Wildlife and Parks is also responsible for executing provisions of the Act regarding civil penalties against museums that fail to comply with NAGPRA, including investigating allegations of failure to comply with NAGPRA requirements and developing and assessing civil penalties.

The Manager, National NAGPRA Program, reporting to the National Park Service Director through the Associate Director for Cultural Resources, is responsible for managing the operations of the National NAGPRA Program and provides staff support to the Assistant Secretary for Fish and Wildlife and