

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****42 CFR Part 424**

[CMS-1510-CN]

RIN 0938-AP88

Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices; Correction**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Correction of final rule.

SUMMARY: This document corrects a technical error in an amendatory instruction of the regulations text in the final rule that appeared in the November 17, 2010 *Federal Register* entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices" final rule (75 FR 70372).

DATES: *Effective Date:* This correction is effective January 1, 2011.

FOR FURTHER INFORMATION CONTACT: Annette Brewer, (410)786-6580.

SUPPLEMENTARY INFORMATION:**I. Background**

In FR Doc. 2010-27778 of November 17, 2010 (75 FR 70372), there was a technical error that is identified and corrected in this document. The provisions of this notice are effective as if they had been included in the Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices" final rule. Accordingly, the corrections are effective January 1, 2011.

II. Summary of Errors

On page 70465 of the November 17, 2010 final rule, we made a technical error in the amendatory instruction for § 424.550. In the amendatory instruction #11, the phrase "adding paragraphs (b)(1) and (b)(2)" is corrected to read "revising paragraph (b)(1) and adding paragraph (b)(2)".

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the *Federal Register* to provide a period for public

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

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

This action merely corrects a technical error in the amendatory instruction for the regulations text in the November 17, 2010 final rule that was promulgated through notice and comment rulemaking. We are in no way changing the policy contained in that rule. For this reason, we find that both notice and comment and the 30-day delay in effective date for this action are unnecessary.

IV. Correction of Errors

In FR Doc. 2010-27778 of November 17, 2010 (75 FR 70372), make the following correction:

§ 424.550 [Corrected]

■ On page 70465, in the 1st column; amendatory instruction #11, the phrase "adding paragraphs (b)(1) and (b)(2)" is corrected to read "revising paragraph (b)(1) and adding paragraph (b)(2)".

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

Dated: December 1, 2010.

Dawn L. Smalls,

Executive Secretary to the Department.

[FR Doc. 2010-30651 Filed 12-7-10; 8:45 am]

BILLING CODE 4120-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 10-2212; MB Docket No. 09-204; RM-11580]

Radio Broadcasting Services; Peach Springs, AZ**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Audio Division, at the request of Cochise Media Licenses LLC, allots FM Channel 281C3 at Peach Springs, Arizona, in order to maintain a first local service at that community. Channel 281C3 can be allotted at Peach Springs, Arizona, in compliance with the Commission's minimum distance separation requirements, with a site restriction of 4.5 km (2.8 miles) northwest of Peach Springs, at the following reference coordinates: 35-33-46 North Latitude and 113-27-12 West Longitude.

DATES: Effective thirty days after date of publication in the *Federal Register*.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

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 No. 09-204, adopted November 17, 2010, and released November 19, 2010. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpiweb.com>.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the

Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 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, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel 281C3 at Peach Springs.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010-30853 Filed 12-7-10; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10-2236; MB Docket No. 10-108]

Radio Broadcasting Services: Pacific Junction, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The staff deletes FM Channel 299C2 at Pacific Junction, Iowa, because the record in this proceeding reveals that there is no site to activate this allotment that would meet Federal Aviation Administration criteria regarding electromagnetic interference to instrument landing system configurations and the Commission's spacing requirements. Further, there are no other FM channels that could be substituted for Channel 299C2 at Pacific Junction and no alternate FAA frequencies to remedy this problem.

DATES: Effective January 7, 2011.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 10-108, adopted November 22, 2010, and released November 24, 2010. The full text of this *Report and Order* is available for inspection and copying during

normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

On the Commission's own motion, the *Notice of Proposed Rulemaking* in this proceeding solicited comment on deleting the Pacific Junction allotment due to difficulties encountered by Connoisseur Media LLC, the permittee of Station KGGG(FM), Channel 299C2, Pacific Junction, in overcoming objections raised by the FAA to the activation of this allotment. *See* 75 FR 30756 (June 2, 2010). No parties filed comments expressing an interest in retaining this allotment or suggested a site that would be technically feasible and meet FAA criteria. Accordingly, the allotment was deleted. In addition, Connoisseur's construction permit (File No. BNPH-20041228AAI, as modified by BMPH-20061019AAM) was cancelled and the KGGG(FM) call sign was deleted.

Although the *Notice of Proposed Rulemaking* proposed the deletion of Channel 299C2, Pacific Junction, Iowa, from Section 73.202(b), the FM Table of Allotments, the channel is no longer listed in Section 73.202(b) due to its authorization and is included instead in the Media Bureau's Consolidated Data Base System ("CDBS") as a reserved assignment for Station KGGG(FM). Accordingly, the staff deleted Channel 299C2 from the Media Bureau's CDBS instead of from Section 73.202(b).

The *Report and Order* does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of the *Report and Order* in this proceeding in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010-30856 Filed 12-7-10; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10-2211; MB Docket No. 10-81; RM-11600]

Radio Broadcasting Services; Fairbanks, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Educational Media Foundation, LLC, allots Channels 224C2 and 232C2 at Fairbanks, Alaska, as the community's tenth and eleventh potential local FM services. Channels 224C2 and 232C2 can be allotted to Fairbanks, Alaska, in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.4 kilometers (5.9 miles) north of Fairbanks. The coordinates for Channel 224C2 and 232C2 at Fairbanks, Alaska, are 64-55-20 North Latitude and 147-42-49 West Longitude. The Government of Canada has concurred in these allotments, which are located within 320 kilometers (199 miles) of the U.S.-Canadian border.

DATES: Effective January 7, 2011.

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 No. 10-81, adopted November 17, 2010, and released November 19, 2010. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpiweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any