

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: June 1, 2011.

#### H. Curtis Spalding,

*Regional Administrator, EPA New England.*

[FR Doc. 2011-14684 Filed 6-13-11; 8:45 am]

**BILLING CODE** 6560-50-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 412, 413, and 476

[CMS-1518-CN]

RIN 0938-AQ24

#### Medicare Program; Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2012 Rates; Corrections

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

**ACTION:** Correction of proposed rule.

**SUMMARY:** This document corrects technical and typographical errors in the proposed rule entitled “Medicare Program; Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2012 Rates” which appeared in the May 5, 2011, **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Tzvi Hefter, (410) 786-4487.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 2011-9644 of May 5, 2011 (76 FR 25788), there were a number of technical and typographical errors that are identified and corrected in the Correction of Errors section.

## II. Summary of Errors

### A. Errors in the Preamble

On page 25796, in summarizing our proposed changes to the policies and payment rates for the long-term care hospital (LTCH) prospective payment system (PPS), we erroneously stated that we were proposing a FY 2012 LTCH PPS documentation and coding adjustment. Therefore, in section III. of this correction notice, we correct this.

On page 25843, in our discussion of processing of 25 diagnosis codes and 25 procedures codes, we erroneously included the term “not” in our statement regarding the completion of the expansion and our ability to process up to 25 diagnosis codes and 25 procedures codes. Therefore, in section III. of this correction notice, we correct this error.

On page 25898, we erroneously stated that collection for the structural measure we proposed for the FY 2014 payment determination would begin in July 2012 with respect to the time period January 1, 2012 through June 30, 2012, instead of collection to begin in April 2013 with respect to the time period January 1, 2012 through December 31, 2012. Therefore, in section III. of this correction notice, we correct these errors.

On page 25919, in our discussion of the proposed data submission requirements for structural measures, we included a sentence that contains the proposed additional structural measure for FY 2014 as well as information regarding the proposed alignment of the submission deadline for all structural measures without clear delineation of when the proposed alignment begins. Therefore, we correct this error in section III. of this correction notice.

On page 25923, we made several typographical errors regarding the fiscal year for which we are proposing to change the submission deadline to be used for the Data Accuracy and Completeness Acknowledgement. Therefore, in section III. of this correction notice, we correct these errors.

On page 25985 and 25989, in our discussion of the LTCH quality measures, we noted that the National Quality Forum (NQF) endorsement number for the CMS quality measure, Percent of Residents With Pressure Ulcers That Are New or Worsened [Short Stay], was NH-012-10. We note that the NQF number NH-012-10 has been replaced by the current endorsement number, which is NQF-0678. Therefore, in section III. of this

correction notice, we correct these errors.

### B. Errors in the Addendum

On page 26043, we list Table 2—Acute Care Hospitals Case-Mix Indexes for Discharges Occurring in Federal Fiscal Year 2010; Proposed Hospital Wage Indexes for Federal Fiscal Year 2012; Hospital Average Hourly Wages for Federal Fiscal Year 2010 (2006 Wage Data), 2011 (2007 Wage Data), and 2012 (2008 Wage Data); and 3-Year Average of Hospital Average Hourly Wages as one of the tables that will be available only through the Internet. The version of Table 2 that was posted via the Internet on the CMS Web site at the time the proposed rule was filed for public inspection at Office of the Federal Register inadvertently omitted the wage indices for multicampus providers. Therefore, we have corrected these errors and have posted a document with corrections to Table 2 on the CMS Web site at [http://www.cms.hhs.gov/AcuteInpatientPPS/01\\_overview.asp](http://www.cms.hhs.gov/AcuteInpatientPPS/01_overview.asp).

## III. Correction of Errors

In FR Doc. 2011-9644 of May 5, 2011 (76 FR 25788), make the following corrections:

1. On page 25796, second column, sixth full paragraph, lines 8 through 11, the phrase “use under the LTCH PPS for FY 2012, the proposed documentation and coding adjustment under the LTCH PPS for FY 2012, and the proposed rebasing and” is corrected to read “use under the LTCH PPS for FY 2012 and the proposed rebasing and”.

2. On page 25843, third column, first full paragraph, line 33 the phrase “We have not completed” is corrected to read “We have completed”.

3. On page 25898, first column, first paragraph,

a. Line 2, the date “July 2012” is corrected to read “April 2013”.

b. Line 4, the date “June 30, 2012” is corrected to read “December 31, 2012”.

4. On page 25919, second column, first full paragraph, lines 4 through 12, the sentence “We are proposing to add one additional structural measure for the FY 2014 payment determination, Participation in a Systematic Clinical Database Registry for General Surgery, and to align the submission deadline for all structural measures with the submission deadline for the fourth quarter of the chart abstracted measures.” is corrected to read as follows “We are proposing to add one additional structural measure for the FY 2014 payment determination, Participation in a Systematic Clinical Database Registry for General Surgery. Beginning with FY 2013, we propose to

align the submission deadline for all structural measures with the submission deadline for the fourth quarter of the chart abstracted measures.”.

5. On page 25923, second column, last paragraph,

a. Line 7, the phrase “FY 2012” is corrected to read “FY 2013”.

b. Line 15, the phrase “FY 2012” is corrected to read “FY 2013”.

6. On page 25985,

a. Second column, second full paragraph, line 6, the reference number “NQF NH-012-10” is corrected to read “NQF 0678”.

b. Third column, first full paragraph, line 7, the reference number “NQF NH-012-10” is corrected to read “NQF 0678”.

7. On page 25989, lower two-thirds of the page, third column, first partial paragraph, line 3, the reference number “NQF NH-012-10” is corrected to read “NQF 0678”.

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

Dated: June 8, 2011.

**Dawn L. Smalls,**

*Executive Secretary to the Department.*

[FR Doc. 2011-14679 Filed 6-9-11; 4:15 pm]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 8, 9, and 52

[FAR Case 2009-024; Docket 2011-0086; Sequence 1]

RIN 9000-AM07

#### **Federal Acquisition Regulation; Prioritizing Sources of Supplies and Services for Use by the Government**

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

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to limit the section of the FAR addressing the priorities for use of Government supply sources to a discussion of the mandatory Government sources of supplies and services. Also, a new section is added to encourage agencies to give priority

consideration to using certain sources, despite the fact that the use of the listed sources is not mandatory.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before August 15, 2011 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2009-024 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “FAR Case 2009-024” under the heading “Enter Keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “FAR Case 2009-024.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “FAR Case 2009-024” on your attached document.

- *Fax:* (202) 501-4067.

- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), *Attn:* Hada Flowers, 1275 First Street, NE., 7th Floor, Washington, DC 20417.

**Instructions:** Please submit comments only and cite FAR Case 2009-024, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William Clark, Procurement Analyst, at (202) 219-1813 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAR Case 2009-024.

**SUPPLEMENTARY INFORMATION:**

#### **I. Background**

DoD, GSA, and NASA are proposing to amend the FAR part 8. FAR part 8 requires Federal agencies to satisfy their requirements for supplies and services from or through a list of sources in order of priority. This proposed rule would amend FAR part 8 by revising FAR 8.000, 8.002, 8.003, and 8.004, eliminating outdated categories, and distinguishing between Government sources (e.g., Federal Supply Schedules (FSS)) and private-sector sources.

The impetus for this proposed rule is the Government Accountability Office (GAO) decision in the protest of Murray-Benjamin Electric Company, B-298481, 2006 CPD 129, September 7, 2006 at (<http://www.gao.gov/decisions/bidpro/>

*298481.pdf*). As a result of this GAO decision, clarification was needed, in FAR part 8, on the use and consideration of FSS contracts before commercial sources in the open market.

The proposed rule amends FAR 8.002 as follows: The title is revised, as appropriate, to indicate the section establishes the priorities for mandatory Government sources. The term “Mandatory Federal Supply Schedules” is removed. “Optional Use Federal Supply Schedules” is re-named “Federal Supply Schedules” and is proposed to be moved to a new section (FAR 8.004) as a non-mandatory source. Commercial sources, currently listed under FAR 8.002(a), and Federal Prison Industries, Inc., listed as a source for services at FAR 8.002(a)(2), would also be moved to the new section as non-mandatory sources because neither one is a “mandatory Government source.”

Additionally, the title at FAR 8.003 is amended to indicate that the list is of mandatory sources, but recognize that they are not all Government sources. Also, the word “supplies” would be deleted from the title because these sources also provide services.

A new section, FAR 8.004, Use of other sources, is proposed to be added to list non-mandatory sources that agencies are encouraged to consider after first considering the mandatory sources listed at FAR 8.002 and 8.003. This section highlights existing contracts intended for use by multiple agencies (e.g., Federal Supply Schedules, Governmentwide acquisition contracts (GWACs), and multi-agency contracts (MACs)) and ordering instruments intended for use by multiple agencies, such as blanket purchase agreements (BPAs) under Federal Supply Schedule contracts (e.g., Federal Strategic Sourcing Initiative (FSSI) agreements). The existing contracts and instruments are not listed in any order of priority, and separate paragraphs distinguish supplies from services. When obtaining services, agencies are encouraged to consider the same sources listed for supplies under FAR 8.004, with the addition of Federal Prison Industries, Inc. as another non-mandatory source for services pursuant to FAR subpart 8.6. Agencies would be encouraged to consider these sources before satisfying requirements for supplies and services from commercial sources in the open market. The proposed FAR 8.004 would also provide a cross-reference to FAR 5.601, where the Web site for the Governmentwide database of contracts and other procurement instruments intended for use by multiple agencies via the Internet