

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the draw of the US 17/George P. Coleman Memorial Swing Bridge across the York River, at mile 7.0, between Gloucester Point and Yorktown, VA. The deviation is necessary to facilitate electrical work on the George P. Coleman Memorial Swing Bridge. This deviation allows the drawbridge to remain in the closed to navigation position during the deviation period.

DATES: This deviation is effective from 7 a.m. on July 8, 2013 to 5 p.m. on July 12, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0283] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jim Rousseau, Bridge Administration Branch Fifth District, Coast Guard; telephone 757–398–6557, email James.L.Rousseau2@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, 202–366–9826.

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, who owns and operates this swing bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.1025, to facilitate electrical work on the structure.

Under the regular operating schedule, the Coleman Memorial Bridge, at mile 7.0, between Gloucester Point and Yorktown, VA opens on signal except from 5 a.m. to 8 a.m. and 3 p.m. to 7 p.m. Monday through Friday, except Federal holidays the bridge shall remain closed to navigation. The Coleman Memorial Bridge has vertical clearances in the closed position of 60 feet above mean high water.

Under this temporary deviation, the drawbridge will be closed to navigation from 7 a.m. on Monday July 8, 2013 to 5 p.m. on Friday April 12, 2013. Emergency openings cannot be provided. There are no alternate routes for vessels transiting this section of the York River.

The York River is used by a variety of vessels including military, tugs, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with military, commercial, and recreational waterway users. The Coast Guard will inform users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation. Mariners able to pass under the bridge in the closed position may do so at any time. Mariners are advised to proceed with caution.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 23, 2013.

Waverly W. Gregory, Jr.,
Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2013–10608 Filed 5–3–13; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0292]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Montlake Bridge across the Lake Washington Ship Canal, mile 5.2, at Seattle, WA, and the University Bridge across the Lake Washington Ship Canal, mile 4.3, at Seattle, WA. This deviation is necessary to accommodate the “Beat the Bridge” foot race. This deviation allows the bridges to remain in the closed position to allow safe movement of event participants.

DATES: This deviation is effective from 7:30 a.m. on May 19, 2013 to 9:30 a.m. on May 19, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0292] is available at <http://www.regulations.gov>. Type the docket number in the

“SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Randall Overton, Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282, email Randall.D.Overton@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation and Seattle Department of Transportation have requested that the Montlake Bridge and the University Bridges remain closed to vessel traffic to facilitate safe passage of participants in the “Beat the Bridge” foot race. The race course passes over the University and Montlake Bridges. The University Bridge crosses the Lake Washington Ship Canal at mile 4.3 and while in the closed position provides 30 feet of vertical clearance throughout the navigation channel and 45 feet of vertical clearance through the center of the bridge; vertical clearance referenced to the Mean Water Level of Lake Washington. The Montlake Bridge crosses the Lake Washington Ship Canal at mile 5.2 and while in the closed position provides 30 feet of vertical clearance throughout the navigation channel and 46 feet of vertical clearance throughout the center 60-feet of the bridge; vertical clearance referenced to the Mean Water Level of Lake Washington. Vessels which do not require a bridge opening may continue to transit beneath the bridges during this closure period. Under normal conditions the Montlake Bridge operates in accordance with 33 CFR 117.1051(e) and the University Bridge operates in accordance with 33 CFR 117.1051(d) which require the bridges to open on signal, except that the bridges need not open for vessels less than 1,000 gross tons between 7 a.m. and 9 a.m. and 3:30 p.m. and 6:30 p.m. for the Montlake Bridge and 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. for the University Bridge Monday through Friday. This deviation period is from 7:30 a.m. on May 19, 2013 to 9:30 a.m. on May 19, 2013. The deviation allows the bascule spans of

the Montlake Bridge and University Bridge to remain in the closed position and need not open for maritime traffic from 7:30 a.m. on May 19, 2013 to 9:30 a.m. on May 19, 2013. The bridge shall operate in accordance to 33 CFR 117.1051 at all other times. Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridge's operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. The draw span will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

In accordance with 33 CFR 117.35(e), the drawbridges must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 22, 2013.

Randall D. Overton,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2013-10455 Filed 5-3-13; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AN98

Payment for Home Health Services and Hospice Care to Non-VA Providers

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its regulations concerning the billing methodology for non-VA providers of home health services and hospice care. Because the newly applicable methodology cannot supersede rates for which VA has specifically contracted, this rulemaking will only affect home health and hospice care providers who do not have existing negotiated contracts with VA. This rule also rescinds internal guidance documents that could be interpreted as conflicting with this final rule.

DATES: *Effective Date:* This final rule is effective November 15, 2013.

FOR FURTHER INFORMATION CONTACT: Lisa Brown, Chief, Policy Management Department, Health Administration Center, Veterans Health Administration, Department of Veterans Affairs, 3773 Cherry Creek Drive North, East Tower,

Ste. 485, Denver, CO 80209, (303) 331-7829. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on November 21, 2011 (76 FR 71920), VA proposed to amend its regulations concerning the billing methodology for non-VA providers of home health services and hospice care.

The proposed rulemaking indicated it would make the VA regulation governing payments for certain non-VA health care, 38 CFR 17.56, applicable to non-VA home health services and hospice care. Section 17.56 provides, among other things, that Medicare fee schedule or prospective payment system amounts will be paid to certain non-VA providers, unless VA negotiates other payment amounts with such providers. See 38 CFR 17.56(a)(2)(i). Interested persons were invited to submit comments to the proposed rule on or before December 21, 2011. We received one comment, which supported the proposed rule because it would standardize VA's payment methodology for non-VA home health and hospice care. The comment indicated, however, that the projected loss in revenue for home care and hospice providers due to the application of § 17.56 rates may affect the level of care provided to veterans.

We make no changes to the rule based on this comment. We are not aware of any evidence that supports an inference that, because of potentially lower payments, home care and hospice providers will offer a lower level of care to veterans than these providers have offered to veterans in the past. We are also not aware of evidence that suggests that home care and hospice providers offer a substandard level of care to any patient for which the provider receives the applicable Medicare rate, which is the rate that will now apply to veterans under this rule. Additionally, as stated in the proposed rule, we estimate that each home health care and hospice provider that does not separately negotiate a payment rate with VA may lose up to \$1,346.28 annually, which is not a significant amount when compared to the average annual revenue for home health and hospice agencies of \$4.7 million (as indicated by data from the Medicare Payment Advisory Commission as well as the Census Bureau). Lastly, to the extent any affected provider makes significantly less than \$4.7 million of annual revenue on average, we also reiterate from the proposed rule that affected providers may benefit from any "phase-in" of the § 17.56 rates as contemplated by Medicare rates themselves, as set forth

in § 17.56(a)(2)(i), which requires that VA pay "[t]he applicable Medicare fee schedule or prospective payment system amount ('Medicare Rate') for the period in which the service was provided." 38 CFR 17.56(a)(2)(i).

Based on the rationale set forth in the proposed rule and in this document, VA is adopting the provisions of the proposed rule as a final rule with no changes.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This final rule contains no collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule 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. About 8,400 providers without negotiated contracts offer home health care or hospice care to veterans at rates that are equivalent to, or not significantly higher than, those offered by this final rule. VA costs of purchased skilled home care were compared to Medicare Home Health Prospective Payment System (HH-PPS) reimbursement for a 60-day period. The average VA reimbursement level per veteran for a 60-day period was \$2,537.40 in fiscal year (FY) 2010. The average Medicare reimbursement level for skilled home care per beneficiary was \$2,312.94 in FY 2010. This difference amounts to providers receiving \$3.74 less per day from VA for a 60-day episode of care. On average, each provider cares for six veterans at VA expense. The potential annual revenue loss will be approximately \$1,346.28 per provider, an insignificant amount of revenue for these providers. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.