

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-Pom- pano Beach-Deer- field, 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](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](mailto: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),<sup>1</sup> 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

<sup>1</sup> 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.