

operator to comply with all of the privacy requirements included in the Draft Privacy Requirements as well as the following additional privacy requirements:

(1) Test site operators must maintain a record of all UAS operating in the test sites;

(2) Test site operators must require every UAS operator in the Test Site to have a written plan for the operator's use and retention of data collected by the UAS; and

(3) Test site operators must conduct an annual review of test site operations to verify compliance with stated privacy policy and practices and share those outcomes annually in a public forum with an opportunity for public feedback.

Accordingly, the FAA intends to include the following terms and conditions into Article 3 of the OTA:

#### **“ARTICLE 3 PRIVACY; APPLICABLE LAW**

##### **a. Privacy Policies**

The Site Operator must:

(i) Have privacy policies governing all activities conducted under the OTA, including the operation and relevant activities of the UAS authorized by the Site Operator.

(ii) Make its privacy policies publicly available;

(iii) Have a mechanism to receive and consider comments from the public on its privacy policies;

(iv) Conduct an annual review of test site operations to verify compliance with stated privacy policy and practices and share those outcomes annually in a public forum with an opportunity for public feedback;

(v) Update its privacy policies as necessary to remain operationally current and effective; and

(vi) Ensure the requirements of its privacy policies are applied to all operations conducted under the OTA.

The Site Operator's privacy policies should be informed by Fair Information Practice Principles.

##### **b. Compliance With Applicable Privacy Laws**

For purposes of this agreement, the term “Applicable Law” shall mean (i) a law, order, regulation, or rule of an administrative or legislative government body with jurisdiction over the matter in question, or (ii) a ruling, order, decision or judgment of a court with jurisdiction over the matter in question. The Site Operator and its team members must operate in accordance with all Applicable Law regarding the protection of an individual's right to privacy (hereinafter referred to as “Privacy

Laws”). If the U.S. Department of Justice or a state's law enforcement authority files criminal or civil charges over a potential violation of a Privacy Law, the FAA may take appropriate action including suspending or modifying the relevant operational authority (e.g., Certificate of Operation, or OTA) until the proceedings are completed. If the proceedings demonstrate the operation was in violation of the Privacy Law, the FAA may terminate the relevant operational authority.

##### **c. Change in Law**

If during the term of this Agreement an Applicable Law comes into effect which may have an impact on UAS, including impacts on the privacy interests of individuals or entities affected by any operation of any UAS operating at the Test Site, such Applicable Law will be applicable to the OTA and the FAA may update or amend the OTA to reflect these changes.

##### **d. Transmission of Data to the FAA**

The Site Operator should not provide or transmit to the FAA or its designees any data other than the data requested by the FAA pursuant to Article 5 of this OTA.

##### **e. Other Requirements**

The Site Operator must:

(i) Maintain a record of all UAS operating at the test sites; and

(ii) Require each UAS operator in the Test Site to have a written plan for the operator's use and retention of data collected by the UAS.”

Issued in Washington, DC, on November 7, 2013.

**Marc L. Warren,**

*Acting Chief Counsel, Federal Aviation Administration.*

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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; Delay of Effective Date**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** The Department of Veterans Affairs (VA) published in the **Federal Register** on May 6, 2013 (78 FR 26250) a final rule to change the billing methodology for non-VA providers of

home health services and hospice care. The preamble of that final rule stated the effective date was November 15, 2013. This document delays that effective date to April 1, 2014.

**DATES: Effective Date:** The effective date for the final rule published May 6, 2013, at 78 FR 26250, is delayed from November 15, 2013, until April 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Harold Bailey, Director of Administration, Department of Veterans Affairs, Veterans Health Administration, 3773 Cherry Creek Drive North, East Tower, Ste. 485, Denver, CO 80209, (303) 331-7829. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** This rulemaking makes 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 Centers for Medicare and Medicaid (CMS) 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). This change in the billing methodology for non-VA home health and hospice care was put forth in a proposed rule. We received one comment to this change and responded to that comment in a final rule published in the **Federal Register** on May 6, 2013 (78 FR 26250). The original effective date of the final rule was stated as November 15, 2013; however, we now delay the effective date of the final rule at 78 FR 26250 to the new effective date of April 1, 2014. The delay of the effective date is necessary to accommodate unforeseen difficulties in contracting and information technology procedures required to apply the billing methodology under § 17.56 to non-VA home health services and hospice care. These difficulties relate to separate administration of hospice care and home health services by the Veterans Health Administration's Office of Geriatrics and Extended Care, which uses separate methods for forming agreements with non-VA providers for the provision of these services, and difficulties regarding information technology systems necessary to use the CMS rate made applicable under § 17.36.

Dated: November 8, 2013.

**Robert C. McFetridge,**

*Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

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