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 Advertising
 Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
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Shoshana M. Grove,
Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 403, 405, 410, 411, 412, 413, 414, 425, 489, 495, and 498

[CMS–1612–CN]

RIN 0938–AS12

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, Clinical Laboratory Fee Schedule, Access to Identifiable Data for the Center for Medicare and Medicaid Innovation Models & Other Revisions to Part B for CY 2015; Corrections

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

ACTION: Correction of final rule with comment period.

SUMMARY: This document corrects technical errors that appeared in the final rule with comment period published in the **Federal Register** on

November 13, 2014, entitled “Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, Clinical Laboratory Fee Schedule, Access to Identifiable Data for the Center for Medicare and Medicaid Innovation Models & Other Revisions to Part B for CY 2015.”

DATES: The correcting document is effective January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Melissa Heesters (410) 786–0618, for issues related to reports of payments or other transfers of value to covered recipients.

Amy Gruber (410) 786–1542, for issues related to changes in geographic area designations for ambulance payment.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2014–26183 of November 13, 2014 (79 FR 67547 through 68092), there were a number of technical errors that are identified and corrected in the Correction of Errors section below. These corrections are effective January 1, 2015. We note that the ambulance fee schedule ZIP code files for the CY 2015 Physician Fee Schedule (PFS) final rule with comment period as corrected in this correction notice are available on the CMS Web site at <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AmbulanceFeeSchedule/index.html>.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 67548, we inadvertently only listed § 403.904(c)(8) with a compliance date of January 1, 2016 for new data collection requirements. However, all of the changes in § 403.904 are effective January 1, 2016.

On pages 67747, 67749, 67750 and 67993 in our discussion of the updated Zip code analysis based on OMB’s revised delineations and updated Rural-Urban Commuting Area (RUCA) codes, the percentages and totals of the ZIP codes changing from urban to rural and from rural to urban, the percentages and totals of the ZIP codes not changed, and the referenced state impacts are incorrect due to a technical error in the application of the updated RUCA codes. In addition, the total number of ZIP codes is incorrect.

On pages 67748 through 67749, in Table 47: Updated ZIP Codes Analysis Based on OMB’s Revised Delineations and Updated RUCA Codes, the totals and percentages of the ZIP codes changing from urban to rural and from rural to urban, and the totals and percentages of the ZIP codes not

changed are incorrect in certain rows of the table due to a technical error in the application of the updated RUCA codes. In addition, the total number of ZIP codes in East Missouri and the total number of ZIP codes in the country are incorrect.

B. Summary and Correction of Errors on the CMS Web Site

As discussed in section II.A. of this correcting document, as a result of a technical error in the application of the updated RUCA codes, certain ZIP code data in Table 47 of the CY 2015 PFS final rule with comment period and the updated analysis of this data in that final rule with comment period were incorrect. For the same reason, there were errors in the ambulance fee schedule ZIP code files that were made available on the CMS Web site. These errors are corrected in the revised ZIP code files available on the CMS Web site at <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AmbulanceFeeSchedule/index.html>.

III. Waiver of Proposed Rulemaking

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 the 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.

This document merely corrects typographical and technical errors in the preamble of the CY 2015 PFS final rule with comment period. The provisions of that final rule with comment period have been subjected to notice and comment procedures. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were adopted in the CY 2015 PFS final rule with comment period. As a result, the corrections made through this correcting document are intended to ensure that the CY 2015 PFS final rule with comment period accurately reflects the policies adopted in that rule. Therefore, we find for good cause that it is unnecessary and would be contrary to the public interest to undertake further notice and comment procedures to incorporate the corrections in this document into the CY 2015 PFS final rule with comment period. For the same reasons, we find that there is good cause to waive the 30-day delay in the effective date for these corrections.

Further, we believe that it is in the public interest to ensure that the CY 2015 PFS final rule with comment period accurately reflects our policies as of the date they take effect. Therefore, we find that delaying the effective date of these corrections beyond the effective date of the final rule with comment period would be contrary to the public interest. In so doing, we find good cause to waive the 30-day delay in effective date.

IV. Correction of Errors

In FR Doc. 2014–26183 of November 13, 2014 (79 FR 67547), make the following corrections:

A. Correction of Errors in the Preamble

1. On page 67548, first column, fourth full paragraph, line 3, remove “(c)(8)”.
2. On page 67747, second column, first full paragraph,

a. Line 6, the phrase “42,918 ZIP codes” is corrected to read “42,919 ZIP codes”.

b. Line 9, the phrase “approximately 92.02” is corrected to read “approximately 95.22”.

c. Line 14, the phrase “from rural to urban (3,038” is corrected to read “from rural to urban (1,600”.

d. Line 15, the phrase “or 7.08 percent)” is corrected to read “or 3.73 percent)”.

e. Line 16, the phrase “(387 or 0.90 percent)” is corrected to read “(451 or 1.05 percent).”.

f. Line 21, the phrase “providers and suppliers in 387 ZIP” is corrected to read “providers and suppliers in 451 ZIP”.

3. On page 67747, third column,

a. Line 1, the phrase “codes within 41 states” is corrected to read “codes within 42 states”.

b. Line 6, the phrase “state of California” is corrected to read “state of Ohio”.

c. Line 8, the phrase “a total of 43, or 1.58 percent” is corrected to read “a total of 54, or 3.63 percent.”.

d. Line 9, the phrase “providers and suppliers in 3, 038 ZIP” is corrected to read “providers and suppliers in 1,600 ZIP”.

e. Line 10, the phrase “within 46 states” is corrected to read “within 44 states”.

f. Line 15, the phrase “The state of Pennsylvania has” is corrected to read “The state of West Virginia has”.

g. Line 17, the phrase “urban (293, or 13.06 percent)” is corrected to read “urban (149, or 15.92 percent).”.

h. Lines 17 through 21, the phrase “, while West Virginia has the greatest percentage of ZIP codes changing from rural to urban (269 Zip codes, or 28.74 percent)” is removed.

4. On pages 67748 through 67749, Table 47: Updated ZIP Codes Analysis Based on OMB’s Revised Delineations and Updated RUCA Codes, the table is corrected to read as follows:

State/ Territory*	Total ZIP codes	Total ZIP codes changed rural to urban	Percentage of total ZIP codes	Total ZIP codes changed urban to rural	Percentage of total ZIP codes	Total ZIP codes not changed	Percentage of total ZIP codes not changed
AK	276	0	0.00	0	0.00	276	100.00
AL	854	43	5.04	8	0.94	803	94.03
AR	725	19	2.62	9	1.24	697	96.14
AS	1	0	0.00	0	0.00	1	100.00
AZ	569	21	3.69	7	1.23	541	95.08
CA	2723	85	3.12	43	1.58	2595	95.30
CO	677	4	0.59	9	1.33	664	98.08
CT	445	37	8.31	0	0.00	408	91.69
DC	303	0	0.00	0	0.00	303	100.00
DE	99	6	6.06	0	0.00	93	93.94
EK	63	0	0.00	0	0.00	63	100.00

State/ Territory*	Total ZIP codes	Total ZIP codes changed rural to urban	Percentage of total ZIP codes	Total ZIP codes changed urban to rural	Percentage of total ZIP codes	Total ZIP codes not changed	Percentage of total ZIP codes not changed
EM	857	35	4.08	4	0.47	818	95.45
FL	1513	69	4.56	9	0.59	1435	94.84
FM	4	0	0.00	0	0.00	4	100.00
GA	1032	47	4.55	4	0.39	981	95.06
GU	21	0	0.00	0	0.00	21	100.00
HI	143	9	6.29	3	2.10	131	91.61
IA	1080	20	1.85	3	0.28	1057	97.87
ID	335	0	0.00	0	0.00	335	100.00
IL	1628	68	4.18	7	0.43	1553	95.39
IN	1000	33	3.30	20	2.00	947	94.70
KY	1030	30	2.91	5	0.49	995	96.60
LA	739	69	9.34	1	0.14	669	90.53
MA	751	8	1.07	9	1.20	734	97.74
MD	630	69	10.95	0	0.00	561	89.05
ME	505	5	0.99	12	2.38	488	96.63
MH	2	0	0.00	0	0.00	2	100.00
MI	1185	22	1.86	21	1.77	1142	96.37
MN	1043	31	2.97	7	0.67	1005	96.36
MP	3	0	0.00	0	0.00	3	100.00
MS	541	14	2.59	1	0.18	526	97.23
MT	411	0	0.00	3	0.73	408	99.27
NC	1101	87	7.90	10	0.91	1004	91.19
ND	419	2	0.48	0	0.00	417	99.52
NE	632	7	1.11	6	0.95	619	97.94
NH	292	0	0.00	2	0.68	290	99.32
NJ	747	1	0.13	2	0.27	744	99.60
NM	438	4	0.91	2	0.46	432	98.63
NV	257	1	0.39	2	0.78	254	98.83
NY	2246	84	3.74	42	1.87	2120	94.39
OH	1487	23	1.55	54	3.63	1410	94.82
OK	791	5	0.63	7	0.88	779	98.48
OR	495	26	5.25	9	1.82	460	92.93
PA	2244	129	5.75	38	1.69	2077	92.56
PR	177	21	11.86	0	0.00	156	88.14
PW	2	0	0.00	0	0.00	2	100.00
RI	91	2	2.20	1	1.10	88	96.70
SC	543	47	8.66	2	0.37	494	90.98
SD	418	0	0.00	1	0.24	417	99.76
TN	814	52	6.39	12	1.47	750	92.14
TX	2726	64	2.35	32	1.17	2630	96.48
UT	359	2	0.56	0	0.00	357	99.44
VA	1277	98	7.67	19	1.49	1160	90.84
VI	16	0	0.00	0	0.00	16	100.00
VT	309	3	0.97	0	0.00	306	99.03
WA	744	17	2.28	6	0.81	721	96.91
WI	919	19	2.07	5	0.54	895	97.39
WK	711	11	1.55	7	0.98	693	97.47
WM	342	2	0.58	3	0.88	337	98.54
WV	936	149	15.92	3	0.32	784	83.76
WY	198	0	0.00	1	0.51	197	99.49
TOTALS	42919	1600	3.73	451	1.05	40868	95.22

* ZIP code analysis includes U.S. States and Territories (FM—Federated States of Micronesia, GU—Guam, MH—Marshall Islands, MP—Northern Mariana Islands, PW—Palau, AS—American Samoa; VI—Virgin Islands; PR—Puerto Rico). Missouri is divided into east and west regions due to work distribution of the Medicare Administrative Contractors (MACs): EM—East Missouri, WM—West Missouri. Johnson and Wyandotte counties in Kansas were changed as of January 2010 to East Kansas (EK) and the rest of the state is West Kansas (WK).

5. On page 67749, third column, first partial paragraph,

a. Line 4, the phrase “indicates that 3,038 ZIP codes” is corrected to read “indicates that 1,600 ZIP codes”.

b. Line 9, the phrase “analysis indicates 387 ZIP codes” is corrected to read “analysis indicates 451 ZIP codes”.

6. On page 67750, second column, second full paragraph,

a. Line 4, the phrase “(a total of 3,425 ZIP codes)” is corrected to read “(a total of 2,051 ZIP codes)”.

b. Line 6, the phrase “42,918 ZIP codes, or 7.98 percent)” is corrected to read “42,919 ZIP codes, or 4.78 percent)”.

7. On page 67993, first column, third full paragraph,

a. Line 2, the phrase “approximately 92.02” is corrected to read “approximately 95.22”.

b. Line 7, the phrase “from rural to urban (3,038)” is corrected to read “from rural to urban (1,600)”.

c. Line 8, the phrase “or 7.08 percent)” is corrected to read “or 3.73 percent)”.

d. Line 9, the phrase “(387 or 0.90 percent)” is corrected to read “(451 or 1.05 percent).”.

e. Line 14, the phrase “providers and suppliers in 387 ZIP” is corrected to read “providers and suppliers in 451 ZIP”.

f. Line 15, the phrase “codes within 41 states” is corrected to read “codes within 42 states”.

g. Line 21, the phrase “3,038 ZIP codes within 46 states” is corrected to read “1,600 ZIP codes within 44 states”.

Dated: December 23, 2014.

C'Reda Weeden,

*Executive Secretary to the Department,
Department of Health and Human Services.*

[FR Doc. 2014-30663 Filed 12-30-14; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA-2014-0002; Internal Agency Docket No. FEMA-8363]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <http://www.fema.gov/fema/csb.shtm>.

DATES: Effective Dates: The effective date of each community's scheduled suspension is the third date (“Susp.”) listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a

particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59.

Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and

public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.