

the airspace; therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 to update the legal description of Prohibited area P-56, District of Columbia. Specifically, the description of a portion of Area A (P-56A) is amended by removing the words “\* \* \* to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway, NW. (lat. 38°53’45” N., long. 77°03’23” W.); thence northeast along New Hampshire Avenue, 0.6 miles, to Washington Circle, \* \* \*” and inserting the words “\* \* \* to intersect the Rock Creek and Potomac Parkway, NW (at lat. 38°53’45” N., long. 77°03’23” W.); thence northeast to the intersection of New Hampshire Avenue NW and F Street NW. (at lat. 38°53’50” N., long. 77°03’17” W.); thence along New Hampshire Avenue NW., 0.4 miles to Washington Circle \* \* \*” (rest of description unchanged). This action will update the regulatory text of P-56 to match the current street alignment in the western part of P-56A to be in concert with the FAA’s Aeronautical Products office. The boundary of Area B (P-56B) is not changed by this action and its description remains as currently published.

Section 73.87 of Title 14 CFR part 73 was republished in FAA Order 7400.8T, effective February 16, 2011.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends prohibited airspace in the District of Columbia.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This action is a correction of the technical description of special use airspace that does not alter the dimensions, altitudes, or time of designation of the airspace. Specifically, this action replaces an obsolete street reference in the description. It is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**List of Subjects in 14 CFR Part 73**

Airspace, Prohibited areas, Restricted areas.

**Adoption of Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

**PART 73—SPECIAL USE AIRSPACE**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 73.87 [Amended]**

■ 2. § 73.87 is amended as follows:

\* \* \* \* \*

**P-56 District of Columbia [Amended]**

By removing the current boundaries for Area A and substituting the following:

**Boundaries**

A. Beginning at the southwest corner of the Lincoln Memorial (lat. 38°53’20” N., long. 77°03’02” W.); thence via a 327° bearing, 0.6 miles, to intersect the Rock Creek and Potomac Parkway, NW (at lat. 38°53’45” N., long. 77°03’23” W.); thence northeast to the intersection of New Hampshire Avenue, NW and F Street, NW (at lat. 38°53’50” N., long. 77°03’17” W.); thence along New

Hampshire Avenue, NW, 0.4 miles to Washington Circle at the intersection of New Hampshire Avenue and K Street, NW (lat. 38°54’08” N., long. 77°03’01” W.); thence east along K Street 2.5 miles to the railroad overpass between First and Second Streets, NE (lat. 38°54’08” N., long. 77°00’13” W.); thence southeast via a 158° bearing 0.7 miles, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street, NE (lat. 38°53’35” N., long. 76°59’56” W.); thence southwest via a 211° bearing 0.8 miles, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street, SE (lat. 38°52’59” N., long. 77°00’24” W.); thence west via a 265° bearing 0.7 miles, to the intersection of the Southwest Freeway (Interstate Route 395) and Sixth Street, SW extended (lat. 38°52’56” N., long. 77°01’12” W.); thence north along Sixth Street 0.4 miles, to the intersection of Sixth Street and Independence Avenue, SW (lat. 38°53’15” N., long. 77°01’12” W.); thence west along the north side of Independence Avenue 0.8 miles, to the intersection of Independence Avenue and 15th Street, SW (lat. 38°53’16” N., long. 77°02’01” W.); thence west along the southern lane of Independence Avenue 0.4 miles to the west end of the Kutz Memorial Bridge over the Tidal Basin (lat. 38°53’12” N., long. 77°02’27” W.); thence west via a 285° bearing 0.6 miles, to the southwest corner of the Lincoln Memorial, to the point of beginning.

\* \* \* \* \*

Issued in Washington, DC, on February 11, 2011.

**Edith V. Parish,**

*Manager, Airspace, Regulations and ATC Procedures Group.*

[FR Doc. 2011–3666 Filed 2–17–11; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 424**

[CMS–1510–F2]

RIN 0938–AP88

**Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices; Correction**

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** In the November 17, 2010 issue of the **Federal Register**, we published a final rule that set forth an update to the Home Health Prospective Payment System (HH PPS) rates, including: The national standardized 60-day episode rates, the national per-visit rates, the nonroutine medical supply (NRS) conversion factors, and the low utilization payment amount (LUPA) add-on payment amounts, under the Medicare prospective payment system for HHAs. This correcting amendment corrects a technical error identified in the November 17, 2010 final rule.

**DATES:** Effective Date: This correcting amendment is effective February 18, 2011.

**FOR FURTHER INFORMATION CONTACT:** Randy Thronset, (410) 786-0131.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2010-27778 (75 FR 70372), the final rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices" (hereinafter referred to as the CY 2011 HH PPS final rule), there was a technical error that is identified and corrected in the regulations text of this correcting amendment. The provisions of this correcting amendment are effective January 1, 2011.

**II. Summary of Errors in the Regulations Text**

On page 70464 of the CY 2011 HH PPS final rule, we made a technical error in the regulation text of § 424.22(b)(1). That language inadvertently deleted paragraphs (b)(1)(i) and (ii). Accordingly, we are adding those paragraphs in this correcting amendment.

**III. Waiver of Proposed Rulemaking and Delay in 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.

Our policy on timing and signature of recertification for home health services in the calendar year (CY) 2011 final rule has previously been subjected to notice and comment procedures. These corrections are consistent with the discussion of this policy in the CY 2011 final rule and do not make substantive changes to this policy. This correcting amendment merely corrects technical errors in the regulations text of the CY 2011 final rule. As a result, this correcting amendment is intended to ensure that the CY 2011 final rule accurately reflects the policy adopted in the final rule. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

For the same reasons, we are also waiving the 30-day delay in effective date for this correcting amendment. We believe that it is in the public interest to ensure that the CY 2011 final rule accurately states our policy on timing and signature of recertification for home health services. Thus delaying the effective date of these corrections would be contrary to the public interest. Therefore, we also find good cause to waive the 30-day delay in effective date.

**List of Subjects in 42 CFR Part 424**

Emergency medical services, Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

Accordingly, the Centers for Medicare & Medicaid Services corrects 42 CFR part 424 by making the following correcting amendment:

**PART 424—CONDITIONS FOR MEDICARE PAYMENT**

- 1. The authority citation for part 424 continues to read as follows:

**Authority:** Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

- 2. Amend § 424.22 by adding paragraphs (b)(1)(i) and (b)(1)(ii) to read as follows:

**§ 424.22 Requirements for home health services.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) Beneficiary elected transfer; or  
(ii) Discharge and return to the same HHA during the 60-day episode.

\* \* \* \* \*

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

Dated: February 10, 2011.

**Dawn L. Smalls,**

*Executive Secretary to the Department.*

[FR Doc. 2011-3779 Filed 2-17-11; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Parts 483, 488, 489 and 498**

[CMS-3230-IFC]

**RIN 0938-AQ09**

**Medicare and Medicaid Programs; Requirements for Long-Term Care (LTC) Facilities; Notice of Facility Closure**

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

**ACTION:** Interim final rule with comment period.

**SUMMARY:** This interim final rule amends the requirements that a long-term care (LTC) facility must meet in order to qualify to participate as a skilled nursing facility (SNF) in the Medicare program, or a nursing facility (NF) in the Medicaid program. These requirements implement section 6113 of the Affordable Care Act to ensure that, among other things, in the case of a LTC facility closure, individuals serving as administrators of a SNF or NF provide written notification of the impending closure and a plan for the relocation of residents at least 60 days prior to the impending closure or, if the Secretary terminates the facility's participation in Medicare or Medicaid, not later than the date the Secretary determines appropriate.

**DATES:** *Effective Date:* March 23, 2011.

*Comments:* To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on April 19, 2011.