

Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status” (hereinafter referred to as the FY 2014 IPPS/LTCH PPS final rule). To correct typographical and technical errors in the FY 2014 IPPS/LTCH PPS final rule, we published correcting documents that appeared in the October 3, 2013 **Federal Register** (78 FR 61197) and the January 2, 2014 **Federal Register** (79 FR 61). We left out Code of Federal Regulations (CFR) part numbers from the heading and left out the applicability date from the **DATES** section of the January 2, 2014 correcting document. Therefore, in this correcting document, we add the omitted CFR part numbers and the applicability date.

II. Summary of Errors

On page 61 of the January 2, 2014 correcting document (79 FR 61), we inadvertently omitted some CFR part numbers from the heading, and inadvertently omitted the applicability date from the **DATES** section.

III. Waiver of Proposed Rulemaking and Delay of 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.

In our view, this correcting document does not constitute a rulemaking that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document simply adds the CFR part numbers and the applicability date that were inadvertently omitted and does not make substantive changes to the policies

or payment methodologies that were adopted in the final rule.

In addition, even if this were a rulemaking to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the January 2, 2014 correcting document (which corrected the FY 2014 IPPS/LTCH final rule) or delaying the effective date would be contrary to the public interest, because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible. Furthermore, such procedures would be unnecessary, as we are not altering the policies that were already subject to comment and finalized in our final rule, but rather, we are simply adding the CFR part numbers and applicability date that were inadvertently omitted. Therefore, we find good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2013–31432 of January 2, 2014 (79 FR 61), make the following corrections:

1. On page 61, in the heading, the CFR citation “42 CFR Parts 412, 482, 485, and 489” is corrected to read “42 CFR Parts 412, 413, 414, 419, 424, 482, 485, and 489”.

2. On page 61, in the **DATES** section, the caption and sentence, “**DATES: Effective Date:** This correcting document is effective on January 2, 2014.” are corrected to read as follows:

“**DATES: Effective Date:** This correcting document is effective January 2, 2014.

Applicability Date: This correcting document is applicable on January 1, 2014.”

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

Dated: January 7, 2014.

Jennifer Cannistra,

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

[FR Doc. 2014–00273 Filed 1–8–14; 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–CN3]

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 in the correcting document that appeared in the January 2, 2014 **Federal Register** entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2014; Correction.”

DATES: *Effective Date:* This correcting document is effective January 8, 2014.

Applicability Date: This correcting document is applicable to skilled nursing facility services furnished on or after January 1, 2014.

FOR FURTHER INFORMATION CONTACT: John Kane, (410) 786–0557.

SUPPLEMENTARY INFORMATION:

I. Background

In the August 6, 2013 **Federal Register** (78 FR 47936), we published a final rule entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2014” (hereinafter referred to as the FY 2014 SNF PPS final rule). To correct typographical and technical errors in the FY 2014 SNF PPS final rule, we published correcting documents that appeared in the October 3, 2013 **Federal Register** (78 FR 61202) and the January 2, 2014 **Federal Register** (79 FR 63). We left out the applicability date from the **DATES** section of the January 2, 2014 correcting document; therefore, in this correcting document, we add the applicability date.

II. Summary of Errors

On page 63 of the January 2, 2014 correcting document (79 FR 63), we inadvertently omitted the applicability date from the **DATES** section.

III. Waiver of Proposed Rulemaking and Delay of 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 therefor 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.

In our view, this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document simply adds the applicability date that was inadvertently omitted and does not make substantive changes to the policies or payment methodologies that were adopted in the final rule.

In addition, even if this correcting document were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the correction in this document into the January 2, 2014 correcting document (which corrected the FY 2014 SNF PPS final rule) or delaying the effective date would be contrary to the public interest, because it is in the public's interest for providers to receive appropriate SNF PPS payments in as timely a manner as possible. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, are simply adding the applicability date that was inadvertently omitted. Therefore, we find good cause to waive notice and comment procedures, as well as the 30-day delay in effective date.

IV. Correction of Errors

In FR Doc. 2013–31435 of January 2, 2014 (79 FR 63), make the following corrections:

1. On page 63, in the **DATES** section, the caption and sentence, “**DATES: Effective Date:** This correction is effective January 2, 2014.” are corrected to read as follows:

DATES: Effective Date: This correcting document is effective January 2, 2014.

Applicability Date: This correcting document is applicable to skilled nursing facility services furnished on or after January 1, 2014.”

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

Dated: January 6, 2014.

Jennifer Cannistra,

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

[FR Doc. 2014–00277 Filed 1–8–14; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[Docket No. FRA–2008–0059, Notice No. 8]

RIN 2130–AC37

Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This final rule responds to two petitions for reconsideration of FRA's final rule published November 30, 2011, which would have amended the existing regulations governing the on-track safety protections of roadway workers from the movement of trains or other on-track equipment on an adjacent controlled track, but which has not taken effect. In response to the petitions for reconsideration, FRA delayed the effective date of the November 30, 2011, final rule until July 1, 2013 (subsequently delayed until July 1, 2014), and requested comments on the petitions. This document further responds to the petitions, addresses the comments on the petitions, and amends and clarifies certain sections of the November 30, 2011, final rule.

DATES: The amendments in this final rule are effective on July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Kenneth Rusk, Staff Director, Track Division, Office of Safety Assurance and Compliance, FRA, 1200 New Jersey Avenue SE., RRS–15, Mail Stop 25, Washington, DC 20590 (202) 493–6236; or Joseph E. Riley, Track Specialist, Track Division, Office of Safety

Assurance and Compliance, FRA, 1200 New Jersey Avenue SE., RRS–15, Mail Stop 25, Washington, DC 20590 (202) 493–6357; or Joseph St. Peter, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., RRS–10, Mail Stop 10, Washington, DC 20590 (202) 493–6052.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

On November 30, 2011, FRA published a final rule (Final Rule) governing the on-track safety protections of roadway workers from train movements on adjacent controlled tracks. 76 FR 74586. The Final Rule requires that railroads adopt specified on-track safety procedures to protect certain roadway work groups from the movement of trains or other on-track equipment on an adjacent controlled track. These on-track safety procedures are required for each adjacent controlled track when a roadway work group with at least one of the roadway workers on the ground is engaged in a common task with on-track, self-propelled equipment or coupled equipment on an occupied track. An adjacent controlled track is a controlled track whose track center is spaced 19 feet or less from the track center of an occupied track.

After publication of the Final Rule, FRA received two petitions for reconsideration (Petitions) of certain of the Final Rule's requirements. The requests made in the Petitions are described in detail below. In response to the Petitions, FRA is modifying the Final Rule (Final Rule Amendments; Amendments) to do the following: (1) Expand the definition of “minor correction” to include welding and certain uses of any handheld power tools; (2) increase the maximum authorized speed at which passenger trains may move on an adjacent controlled track to 40 mph while roadway workers continue their on-ground work on the occupied track; (3) delete the requirement that a non-controlled track whose track center is spaced 19 feet or less from the occupied track be treated as an adjacent controlled track; (4) exempt rail-bound vehicles (on-track vehicles not equipped with highway wheels) used for conducting inspections or performing minor correction work (including welding) while applying the same limitations that apply to hi-rail vehicles; (5) and expand the exception pertaining to repairs performed alongside the roadway work machine or equipment to include work within the perimeter of the machine or equipment. FRA previously delayed the effective date of