

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM398; Notice No. 25–09–01–SC]

#### Special Conditions: Model C–27J Airplane; Interaction of Systems and Structures

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed special conditions, withdrawal.

**SUMMARY:** The FAA is withdrawing a previously published notice that proposed special conditions for the Alenia Model C–27J airplane. We are withdrawing the notice in response to a White House request that appointees and designees be provided an opportunity to review new and pending regulations.

**FOR FURTHER INFORMATION CONTACT:** Holly Thorson, FAA, International Branch, ANM–116, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1357, facsimile 425–227–1149.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 26, 2009, the FAA published a Notice of proposed special conditions, Notice No. 25–09–01–SC, for the Model C–27J airplane on the subject of interaction of systems and structures (74 FR 4353). The C–27J airplane has novel or unusual design features when compared to the state of technology described in the airworthiness standards for transport category airplanes. These design features include electronic flight control systems. The proposed special conditions pertain to the effects of novel or unusual design features such as effects on the structural performance of the airplane. We requested comments

on these proposed special conditions by February 25, 2009.

#### Reason for Withdrawal

We are withdrawing Notice No. 25–09–01–SC because of a White House memorandum, dated January 20, 2009, signed by the Assistant to the President and Chief of Staff as directed to the heads of executive departments and agencies. The memorandum stated the importance of the President’s appointees and designees having the opportunity to review and approve any new or pending regulations. The subject Notice of proposed special conditions was inadvertently published without this review.

#### Conclusion

Withdrawal of Notice No. 25–09–01–SC does not preclude the FAA from issuing another notice on the subject matter in the future or committing the agency to any future course of action.

In response to the White House memorandum, the FAA withdraws Notice No. 25–09–01–SC, published at 74 FR 4353 on January 26, 2009.

Issued in Renton, Washington, on February 2, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 414

[CMS–1561–NC]

RIN 0938–AP59

#### Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)

**ACTION:** Notice of proposed delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2009 from the Assistant to the President and Chief

of Staff, entitled “Regulatory Review,” CMS is seeking public comment on a contemplated delay of 60 days in the effective date of the rule entitled “Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA),” published in the **Federal Register** on January 16, 2009 (74 FR 2873). That rule implements certain MIPPA provisions that delay implementation of Round 1 of the competitive bidding program; requires CMS to conduct a second Round 1 competition (the “Round 1 rebid”) in 2009; and mandates certain changes for both the Round 1 rebid and subsequent rounds of the program, including a process for providing feedback to suppliers regarding missing financial documentation and requiring contractors to disclose to CMS information regarding subcontracting relationships. CMS is considering a temporary 60-day delay in effective date to allow CMS officials the opportunity for further review of the issues of law and policy raised by this rule, consistent with the Chief of Staff’s memorandum of January 20, 2009. CMS solicits comments specifically on the contemplated delay in effective date and generally on the rule entitled “Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA).”

**DATES:** Comments must be received on or before February 13, 2009.

**ADDRESSES:** You may submit comments by any of the following methods: In commenting, please refer to file code CMS–1561–NC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” and enter the filecode to find the document accepting comments.