

likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of energy effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedure; and related management system practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This event establishes a safety zone, therefore paragraph (34)(g) of the Instruction applies.

A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” are available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T09–067 is added to read as follows:

#### § 165.T09–067 Safety Zone; Ferrier Wedding Fireworks, Lake Erie, Fairview, PA.

(a) *Location.* The following area is a temporary safety zone: all navigable waters of Lake Erie within a 300 foot radius of the fireworks launch site in approximate position 42°04′ 21″ N, 080°14′ 38″ W, in Fairview, Pennsylvania. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective time and date.* This section is effective from 9:30 p.m. (local) until 9:45 p.m. (local) on July 1, 2006.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given to them by the Captain of the Port Buffalo or his on-scene representative.

Dated: June 19, 2006.

**S.J. Ferguson,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. E6–10324 Filed 6–29–06; 8:45 am]

**BILLING CODE 4910–15–P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[CGD09–06–046]

#### Safety Zone: Captain of the Port Buffalo Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce safety zones for annual fireworks displays in the Captain of the Port Buffalo Zone during July 2006. This action is necessary to provide for the safety of life and property on navigable waters during these events. These safety zones will restrict vessel traffic from a portion of the Captain of the Port Buffalo Zone.

**DATES:** *Enforcement Dates:* 33 CFR 165.914 will be enforced from 9:30 p.m. (local) on July 2, 2006 to 10:30 p.m. (local) on July 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** LT Tracy Wirth, Waterways Management Division Chief, Sector Buffalo, 1 Fuhrmann Blvd. Buffalo, NY at (716) 843–9573.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the permanent safety zones in 33 CFR 165.914 (published January 21, 2005, in the **Federal Register**, 70 FR 3147), for fireworks displays in the Captain of the Port Buffalo Zone during July 2006. The following safety zones are in effect for fireworks displays occurring in the month of July 2006:

(1) *Oswego Independence Day Fireworks, Oswego NY.* Location: All waters of Oswego Harbor, in Lake Ontario, within a 1,000-foot radius of the fireworks barge moored or anchored in approximate position 43°28′05″ N, 076°31′01″ W (NAD 1983).

(2) *Olcott Fireworks, Olcott, NY.* Location: All waters of Lake Ontario within a 300-yard radius of the fireworks display on the west break wall of the Olcott Harbor entrance located in position 43°20′25″ N, 078°43′09″ W (NAD 1983).

The Oswego Independence Day fireworks safety zone will be enforced on July 2, 2006, from 9:30 p.m. (local) until 10 p.m. (local.) The Olcott Fireworks safety zone will be enforced on July 3, 2006, from 10 p.m. (local) until 10:30 p.m. (local).

In order to ensure the safety of spectators and transiting vessels, these safety zones will be enforced for the

duration of the events. In the event that these safety zones affect shipping, commercial vessels may request permission from the Captain of the Port Buffalo to transit through the safety zone.

Requests must be made in advance and approved by the Captain of Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Sector Buffalo on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Dated: June 13, 2006.

**S. J. Ferguson,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. E6-10280 Filed 6-29-06; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 412 and 424

[CMS-1306-CN2]

RIN 0938-AN82

#### Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Update for Rate Year Beginning July 1, 2006 (RY 2007) Final Rule; Correction

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

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects errors in the final rule that appeared in the May 9, 2006 *Federal Register* entitled "Inpatient Psychiatric Facilities Prospective Payment System Update for Rate Year Beginning July 1, 2006 (RY 2007)."

**DATES:** Effective July 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Colbert, (410) 786-4533. Matthew Quarrick, (410) 786-9867.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

FR Doc. 06-4202 (71 FR 27040) (hereinafter referred to as the RY 2007 final rule), includes errors that are identified and corrected in the "Correction of Errors" section below. The correction of errors identified in this correction notice do not change any policies contained in the RY 2007 final rule. Rather, the corrections merely conform the regulations text and

preamble to the final policies. The provisions of this correction notice are effective as if they had been included in the final rule. Accordingly, the corrections are effective July 1, 2006.

##### II. Summary of Errors

In the RY 2007 final rule, we made several typographical errors including: Referencing FY instead of RY, IRF instead of IPF, and provided the incorrect cross reference for § 424.14(c)(iii) instead of § 424.14(c)(3). In the response to the comments section, we incorrectly stated that "IPFs that did not train interns and residents during the time period of the IPF's most recent cost report filed before November 15, 2005 would receive an FTE cap of zero." The correct date that should be referenced is November 15, 2004, as stated in the regulations text at § 412.402 (definition for "new graduate medical education" program).

We are revising the regulations text for § 424.14, Requirements for inpatient services of inpatient psychiatric facilities, in order to be consistent with the policies we finalized in the preamble but mistakenly neglected to include in the final draft. First, we are revising § 424.14 to indicate that the patient continues to need, on a daily basis, active treatment furnished directly by or requiring the supervision of inpatient psychiatric facility personnel. Secondly, we are removing the phrase "or other professional services that can only be provided on an inpatient basis".

In Addendum B, we are correcting the RY 2007 CBSA based wage index for the SSA State/County Code for 11680 and 11691 to read 0.9198 instead of 0.91981. In Addendum C, Table 1, we displayed the wage index tables by CBSA. We are clarifying that these are the final wage index values for RY 2007 effective July 1, 2006, and not the proposed values as indicated by the titles of the tables. We also inadvertently omitted two counties from a CBSA in Addendum C, Table 1.

In addition, in the Provisions of the Final Rule, we inadvertently did not indicate that we were making revisions to § 424.14. However, we addressed these changes in the preamble and included them in the regulations text of the RY 2007 final rule.

##### III. Correction of Errors

###### A. Preamble Corrections

In the RY 2007 final rule, make the following corrections:

1. On page 27064, in column 1, at the end of the second full paragraph, line 2 from the bottom, "FY" is corrected to read "RY".

2. On page 27068, in column 3, in the second full paragraph, in line 16, add a close parenthesis after § 412.624(e)(4).

3. On page 27069, in column 3, in the second response, in line 5, "November 15, 2005" is corrected to read "November 15, 2004."

4. On page 27074, in column 1, in paragraph 4, in line 2 from the bottom, "IRF PPS payments" is corrected to read "IPF PPS payments."

5. On page 27077, in column 3—

a. In line 1, "§ 424.14(c)(iii)" is corrected to read § 424.14(c)(3).

b. In lines 2 and 3 from the top, remove the words "the physician will also recertify that."

###### *Correction of Provisions of the Final Rule*

1. On page 27080, in column 3—

a. After the "ECT policy Payment" section but before the "Section 412.402 Definition" section, insert the following:

Section 424.14 Requirements for inpatient services of inpatient psychiatric facilities

In § 424.14, we are finalizing the title from "Requirements for inpatient services of psychiatric hospitals" to "Requirements for inpatient services of inpatient psychiatric facilities."

We are finalizing that, for the purposes of payment under the IPF PPS, we are requiring that all IPFs (distinct part psychiatric units of acute care hospitals and CAHs and psychiatric hospitals) follow the physician certification and recertification requirements as specified in § 424.14.

We are finalizing the modification to § 424.14(d)(2) to require the first recertification as of the 12th day of hospitalization. Subsequent recertifications will be required at intervals established by the hospital's UR committee (on a case-by-case basis if desired), but no less frequently than every 30 days.

We are finalizing the content requirement of physician certifications at § 424.14(c)(3) by adding the following language: "the patient continues to need, on a daily basis, active treatment furnished directly by or requiring the supervision of inpatient psychiatric facility personnel."

b. Move "Section 412.402 Definition" section after "Section 412.27 Excluded psychiatric units: Additional requirements" and before "Section 412.428 Publication of updates to the inpatient psychiatric facilities prospective payment system."