

*B. Corrections to the Regulations Text*

■ Accordingly, 42 CFR chapter IV is corrected by making the following correcting amendments to part 424:

**PART 424—[CORRECTED]**

■ 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).

**§ 424.14 [Corrected]**

- 2. In § 424.14 paragraph (c)(3), in lines 2 and 3, “inpatient psychiatric care” should be corrected to “treatment”.
- 3. In § 412.14 paragraph (c)(3), in lines 3 and 5, remove the parentheses.
- 4. In § 412.14 paragraph (c)(3), in lines 5 through 7, remove the words, “or other professional services that can only be provided on an inpatient basis”.

*C. Corrections of Addenda*

## Addendum B

1. On page 27095, in column 8 for 2006 CBSA-based wage index, in lines 23 and 25 from the bottom, the entries (with the subscript) “0.91981” are corrected to read “0.9198.”

## Addendum C

1. On page 27134 through 27156, Table 1, the title “Proposed Wage Index For Urban Areas Based On CBSA Labor Market Areas” is corrected to read “Wage Index For Urban Areas Based On CBSA Labor Market Areas.”

2. On page 27152, Table 1, second column, for CBSA 42644, 11 lines from the bottom, insert “King County, WA” and “Snohomish County, WA” underneath the heading “Seattle-Bellevue-Everett, WA”.

3. On page 27156, Table 2, the title “Proposed Wage Index Based On CBSA Labor Market Areas For Rural Areas” is corrected to read “Wage Index Based On CBSA Labor Market Areas For Rural Areas.”

**IV. Waiver of Proposed Rulemaking and Waiver of 30-Day Delay in the 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 the notice and comment procedures 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.

The policies and payment methodology expressed in the RY 2007 final rule have previously been subjected to notice and comment procedures. This correction notice makes changes to conform the regulation text to the policies described in the preamble of the RY 2007 final rule. This correction notice also revises the preamble of the RY 2007 final rule to make clarifications, correct references, and correct typographical errors. This correction notice does not make substantive changes to the policies or payment methodologies that were adopted in the RY 2007 final rule. This correction notice is intended to ensure that the RY 2007 final rule accurately reflects the policies adopted in the final rule. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice.

We are also waiving the 30-day delay in effective date for this correction notice. We ordinarily provide a 30-day delay in the effective date of the provisions of a notice. Section 553(d) of the Administrative Procedure Act 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. We believe that it is in the public interest to ensure that the RY 2007 final rule accurately represents our prospective payment methodology and payment rates and that a delay in the effective date of these corrections would be contrary to the public interest. In addition, as the corrections made in this document are not substantive in nature, we also believe it is unnecessary to delay the effective date to make such corrections.

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

Dated: June 27, 2006.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E6–10277 Filed 6–29–06; 8:45 am]

**BILLING CODE 4120–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Parts 420, 424, 489, and 498**

[CMS–6002–F2]

RIN–0938–AH73

**Medicare Program; Requirements for Providers and Suppliers To Establish and Maintain Medicare Enrollment; Correcting Amendment**

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

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

**SUMMARY:** This correcting amendment corrects a technical error identified in the final rule that appeared in the April 21, 2006 **Federal Register** entitled “Requirements for Providers and Suppliers to Establish and Maintain Medicare Enrollment.” In that final rule, we require all providers and suppliers (other than physicians or practitioners who have elected to “opt-out” of the Medicare program) to: (1) Complete an enrollment form and submit specific information to us; and (2) periodically update and certify the accuracy of their enrollment information to receive and maintain billing privileges in the Medicare program. The final rule also implements statutory provisions requiring us to ensure that all Medicare providers and suppliers are qualified to provide the appropriate health care services. The effective date of the final rule was June 20, 2006.

**DATES:** *Effective Date:* This correcting amendment is effective on July 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Collett, (410) 786-6121.

**SUPPLEMENTARY INFORMATION:****I. Background and Summary of Error**

In FR Doc. 06–3722 (71 FR 20754), the final rule entitled “Requirements for Providers and Suppliers to Establish and Maintain Medicare Enrollment” (hereinafter referred to the April 21, 2006 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 on July 31, 2006.

On page 20781 of the April 21, 2006 final rule, we made a technical error in the regulation text of § 498.3(b)(17). In this paragraph, we inadvertently omitted qualifying language related to our authority to deny, in addition to revoke, a provider or supplier’s

Medicare enrollment. Accordingly, we are revising § 498.3(b)(17) to accurately reflect our authority to deny or revoke a provider or supplier's Medicare enrollment. Therefore, on page 20781 third column, lines 44 through 46, the paragraph "The revocation of a provider or supplier's Medicare enrollment in accordance to § 424.535 of this chapter" would be corrected to read "Whether to deny or revoke a provider or supplier's Medicare enrollment in accordance with § 424.530 or § 424.535 of this chapter."

## II. 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.

Our policy on the requirements for providers and suppliers to establish and maintain Medicare enrollment in the April 21, 2006 final rule has previously been subjected to notice and comment procedures. This correction is consistent with the discussion of this policy in the April 21, 2006 final rule and does not make a substantive change to this policy. This correcting amendment merely corrects a technical error in the regulations text of the April 21, 2006 final rule. As a result, this correcting amendment is intended to ensure that the April 21, 2006 final rule accurately reflects the policy adopted in this final rule and does not contradict policy found at § 424.530, which did not receive any comments during the original comment period. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary.

## III. Correction of Errors

■ Given the error summarized in section I. of the correcting amendment, we are making the following correcting amendment to 42 CFR part 498:

### PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM AND FOR DETERMINATIONS THAT AFFECT THE PARTICIPATION OF ICFs/MR AND CERTAIN NFs IN THE MEDICAID PROGRAM

■ Section 498.3 is amended by revising paragraph (b)(17) to read as follows:

#### § 498.3 [Corrected]

\* \* \* \* \*

(b) \* \* \*

(17) Whether to deny or revoke a provider or supplier's Medicare enrollment in accordance with § 424.530 or § 424.535 of this chapter.

\* \* \* \* \*

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

Dated: June 27, 2006.

**Ann Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E6-10290 Filed 6-29-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 050613158-5262-03; I.D. 090105A]

RIN 0648-AT48

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; emergency action; extension of effective period.

**SUMMARY:** The regulations contained in the temporary rule, emergency action, published on October 18, 2005, at the request of the U.S. Food and Drug Administration (FDA) and that were subsequently extended on December 28, 2005, expire on June 30, 2006. This temporary rule extends the closure through December 31, 2006. The FDA has determined that current oceanographic conditions and alga

sampling data suggests that the northern section of the Temporary Paralytic Shellfish Poison (PSP) Closure Area remain closed to the harvest of bivalve molluscan shellfish and that the southern area remain closed to the harvest of whole or roe-on scallops.

**DATES:** The temporary emergency action published on October 18, 2005 (70 FR 60450), is effective from October 18, 2005, through December 31, 2006.

**ADDRESSES:** Copies of the small entity compliance guide, the emergency rule, the environmental assessment, and the regulatory impact review prepared for the October 18, 2005, reinstatement of the September 9, 2005, emergency action and subsequent extensions of the emergency action, are available from Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. These documents are also available via the internet at [www.nero.noaa.gov](http://www.nero.noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Brian Hooker, Fishery Policy Analyst, phone: (978) 281-9220, fax: (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### Background

This emergency closure was implemented at the request of the FDA after samples of shellfish from the inshore and offshore waters off of the coasts of New Hampshire and Massachusetts tested positive for the toxins (saxotoxins) that cause Paralytic Shellfish Poisoning (PSP). These toxins are produced by the algae *Alexandrium fundyense* that can form blooms commonly referred to as red tides. Red tide blooms, also known as harmful algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death from PSP.

On June 10, 2005, the FDA requested that NMFS close an area of Federal waters off the coasts of New Hampshire and Massachusetts to fishing for bivalve shellfish intended for human consumption. On June 16, 2005, NMFS published an emergency rule (70 FR 35047) closing the area recommended by the FDA, i.e. the Temporary PSP Closure Area, through September 30, 2005. On July 7, 2005 (70 FR 39192), the emergency rule was modified to facilitate the testing of shellfish for the toxin that causes PSP by the FDA and/or FDA-approved laboratories through the issuance of a Letter of Authorization (LOA) from the Regional Administrator. On September 9, 2005 (70 FR 53580),