

or greater shall also measure Pb either as Pb-TSP or Pb-PM<sub>10</sub>. The EPA Regional Administrator may approve an alternative location for the Pb measurement where the alternative location would be more appropriate for logistical reasons and the measurement would provide data on typical Pb concentrations in the CBSA.

\* \* \* \* \*

(c) [Reserved.]

\* \* \* \* \*

4.5 \* \* \* (a) State and, where appropriate, local agencies are required to conduct ambient air Pb monitoring near Pb sources which are expected to or have been shown to contribute to a maximum Pb concentration in ambient air in excess of the NAAQS, taking into account the logistics and potential for population exposure. At a minimum, there must be one source-oriented SLAMS site located to measure the maximum Pb concentration in ambient air resulting from each non-airport Pb source which emits 0.50 or more tons per year and from each airport which emits 1.0 or more tons per year based on either the most recent National

Emission Inventory (<http://www.epa.gov/ttn/chieff/eiinformation.html>) or other scientifically justifiable methods and data (such as improved emissions factors or site-specific data) taking into account logistics and the potential for population exposure.

(i) One monitor may be used to meet the requirement in paragraph 4.5(a) for all sources involved when the location of the maximum Pb concentration due to one Pb source is expected to also be impacted by Pb emissions from a nearby source (or multiple sources). This monitor must be sited, taking into account logistics and the potential for population exposure, where the Pb concentration from all sources combined is expected to be at its maximum.

(ii) The Regional Administrator may waive the requirement in paragraph 4.5(a) for monitoring near Pb sources if the State or, where appropriate, local agency can demonstrate the Pb source will not contribute to a maximum Pb concentration in ambient air in excess of 50 percent of the NAAQS (based on historical monitoring data, modeling, or other means). The waiver must

be renewed once every 5 years as part of the network assessment required under § 58.10(d).

(iii) State and, where appropriate, local agencies are required to conduct ambient air Pb monitoring near each of the airports listed in Table D-3A for a period of 12 consecutive months commencing no later than December 27, 2011. Monitors shall be sited to measure the maximum Pb concentration in ambient air, taking into account logistics and the potential for population exposure, and shall use an approved Pb-TSP Federal Reference Method or Federal Equivalent Method. Any monitor that exceeds 50 percent of the Pb NAAQS on a rolling 3-month average (as determined according to 40 CFR part 50, Appendix R) shall become a required monitor under paragraph 4.5(c) of this Appendix, and shall continue to monitor for Pb unless a waiver is granted allowing it to stop operating as allowed by the provisions in paragraph 4.5(a)(ii) of this appendix. Data collected shall be submitted to the Air Quality System database according to the requirements of 40 CFR part 58.16.

TABLE D-3A AIRPORTS TO BE MONITORED FOR LEAD

Airport	County	State
Merrill Field .....	Anchorage .....	AK
Pryor Field Regional .....	Limestone .....	AL
Palo Alto Airport of Santa Clara County .....	Santa Clara .....	CA
McClellan-Palomar .....	San Diego .....	CA
Reid-Hillview .....	Santa Clara .....	CA
Gillespie Field .....	San Diego .....	CA
San Carlos .....	San Mateo .....	CA
Nantucket Memorial .....	Nantucket .....	MA
Oakland County International .....	Oakland .....	MI
Republic .....	Suffolk .....	NY
Brookhaven .....	Suffolk .....	NY
Stinson Municipal .....	Bexar .....	TX
Northwest Regional .....	Denton .....	TX
Harvey Field .....	Snohomish .....	WA
Auburn Municipal .....	King .....	WA

(b) State and, where appropriate, local agencies are required to conduct non-source-oriented Pb monitoring at each NCore site required under paragraph 3 of this appendix in a CBSA with a population of 500,000 or more.

(c) The EPA Regional Administrator may require additional monitoring beyond the minimum monitoring requirements contained in paragraphs 4.5(a) and 4.5(b) where the likelihood of Pb air quality violations is significant or where the emissions density, topography, or population locations are complex and varied. EPA Regional Administrators may require additional monitoring at locations including, but not limited to, those near existing additional industrial sources of Pb, recently closed industrial sources of Pb, airports where piston-engine aircraft emit Pb, and other sources of re-entrained Pb dust.

\* \* \* \* \*

[FR Doc. 2010-32153 Filed 12-23-10; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 484

[CMS-1510-CN2]

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

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

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects a technical error that appeared in the November 17, 2010 **Federal Register**

entitled “Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices” final rule (75 FR 70372).

**DATES:** *Effective Date:* This correction is effective January 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Sharon Ventura, (410) 786-1985.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 2010-27778 of November 17, 2010 (75 FR 70372), there was a technical error that this notice serves to identify and correct. The provisions of this notice are effective as if they had been included in the “Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices” final

rule. Accordingly, the correction is effective January 1, 2011.

## II. Summary of Errors

On page 70417, in Table 13B, the calculation of the NRS payment amounts for services provided in rural areas is incorrect. In Table 13B, we multiplied the NRS payment amounts

(from Tables 8B and 9B) by the rural add-on (X 1.03). However, we should have multiplied the NRS conversion factors for rural areas (from Table 13A) by the appropriate relative weights. We are replacing Table 13B in its entirety in order to show the correct calculation of the NRS payment amounts for services provided in rural areas.

## III. Correction of Errors

In FR Doc. 2010–27778 of November 17, 2010 (75 FR 70372), make the following corrections:

1. On page 70417, Table 13B is corrected to read as follows:

TABLE 13B—RELATIVE WEIGHTS FOR THE 6-SEVERITY NRS SYSTEM FOR SERVICES PROVIDED IN RURAL AREAS

Severity level	Points (scoring)	For HHAs that DO submit quality data (NRS conversion factor = 54.12)		For HHAs that DO NOT submit quality data (NRS conversion factor = 53.05)	
		Relative weight	Total NRS payment amount for rural areas	Relative weight	Total NRS payment amount for rural areas
1 .....	0 .....	0.2698	\$14.60	0.2698	\$14.31
2 .....	1 to 14 .....	0.9742	\$52.72	0.9742	\$51.68
3 .....	15 to 27 .....	2.6712	\$144.57	2.6712	\$141.71
4 .....	28 to 48 .....	3.9686	\$214.78	3.9686	\$210.53
5 .....	49 to 98 .....	6.1198	\$331.20	6.1198	\$324.66
6 .....	99+ .....	10.5254	\$569.63	10.5254	\$558.37

## IV. 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 notice such as this take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive both the notice and comment procedure and the 30-day delay in effective date 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.

We find for good cause that it is unnecessary to undertake notice and comment rulemaking because this notice merely provides typographical and technical corrections to the regulations. We are not making substantive changes to our payment methodologies or policies, but rather, are simply implementing correctly the payment methodologies and policies that we previously proposed, received comment on, and subsequently finalized. The public has already had the opportunity to comment on these payment methodologies and policies, and this correction notice is intended solely to ensure that the CY 2011 HH PPS final rule accurately reflects them. Therefore, we believe that undertaking further notice and comment procedures to incorporate these corrections into the CY 2011 HH PPS final rule is unnecessary and contrary to the public interest.

Further, we believe a delayed effective date is unnecessary because this correction notice merely corrects inadvertent typographical and technical errors. The changes noted above do not make any substantive changes to the HH PPS payment methodologies or policies. Moreover, we regard imposing a delay in the effective date as being contrary to the public interest. We believe that it is in the public interest for providers to receive appropriate HH PPS payments in as timely a manner as possible and to ensure that the CY 2011 HH PPS final rule accurately reflects our payment methodologies, payment rates, and policies. Therefore, we find good cause to waive notice and comment procedures, as well as the 30-day delay in effective date.

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

Dated: December 20, 2010.

**Dawn L. Smalls,**

*Executive Secretary to the Department.*

[FR Doc. 2010–32496 Filed 12–23–10; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 21

[FWS–R9–MB–2010–0064; 91200–1231–9BPP]

RIN 1018–AX31

#### Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The States of Arkansas, Colorado, Idaho, Maine, Michigan, Missouri, South Dakota, and Washington have requested that we, the U.S. Fish and Wildlife Service, delegate permitting for falconry to the State, as provided under the regulations at 50 CFR 21.29. We have reviewed regulations and supporting materials provided by the States and have concluded that their regulations comply with the Federal regulations. We change the falconry regulations accordingly. We also correct or clarify several small errors in the regulations and move one section to make the regulations more consistent.

**DATES:** This rule is effective January 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. George T. Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703–358–1825.

**SUPPLEMENTARY INFORMATION:**