

information about the site at the Tooele City Public Library, 128 West Vine Street, Tooele, Utah. Public interviews were conducted, ties with local officials were established, and an avenue created to address local questions and concerns through the appointment of a Community Involvement Coordinator.

Numerous community meetings were held to inform and invite public comment on site-wide remedies, and discussions included the cleanup of the UPRR right-of-way in January, March, May and June of 1999.

Public participation activities have been satisfied as required in sections 113(k), and 117 of CERCLA, 42 U.S.C. 9613(k) and 9617. Documents in the deletion docket, which EPA relied on for recommendation of the partial deletion from the NPL, are available to the public in the information repositories.

#### V. Partial Deletion Action

The EPA, with concurrence of the State of Utah, has determined that all appropriate responses under CERCLA for the referenced property have been

completed and that no further response actions under CERCLA are necessary.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication. This action will be effective November 29, 2005 unless EPA receives adverse comments by October 31, 2005 on a parallel notice of intent to delete published in the "Proposed Rules" section of today's **Federal Register**. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of partial deletion before the effective date of the deletion and it will not take effect. EPA will simultaneously prepare a response to comments and continue with the partial deletion process on the basis of the notice of intent to partially delete and the comments already received. There will be no additional opportunity to comment.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substance, Hazardous waste,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 21, 2005.

**Robert E. Roberts,**  
*Regional Administrator, Region 8.*

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

■ 1. The authority citation for Part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended by revising the entry under Utah for "Jacobs Smelter" to read as follows:

#### Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

	State	Site name	City/county	Notes (a)
UT .....	Jacobs Smelters	Tooele County	P.	

a \* \* \*

P = sites with partial deletion(s).

[FR Doc. 05–19626 Filed 9–29–05; 8:45 am]  
BILLING CODE 6560–50–P

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 405, 412, 413, 415, 419, 422, and 485

[CMS–1500–CN]

RIN 0938–AN57

#### Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2006 Rates; Correction

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

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects technical errors in the final rule that

appeared in the August 12, 2005 **Federal Register** entitled "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2006 Rates."

**DATES:** Effective October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Marc Hartstein, (410) 786–4548.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 05–15406 (70 FR 47278), the final rule entitled "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2006 Rates" (hereinafter referred to as the FY 2006 final rule), there were a number of typographical and technical errors that are identified and corrected in the "Correction of Errors" section (section III. of this notice). The provisions of this correction notice are effective as if they had been included in the FY 2006 final rule. Accordingly, the corrections are effective October 1, 2005.

##### II. Summary of the Corrections to the FY 2006 Final Rule

On page 47292, in our preamble discussion regarding cardiac catheterizations for DRGs 535 and 536, we stated that we are removing code 37.26 from DRGs 535 and 536 and then erroneously stated that we are adding code 37.26 to DRG 515. Therefore, we are revising this discussion by deleting the phrase "and adding the code in DRG 515." (See item 2 of section III.A. of this notice.)

On page 47312, in our preamble discussion regarding the "Tobacco Use Disorder Edit", we stated the incorrect Medicare code editor (MCE) edit to which we added code 305.1. Although our national coverage determination on smoking cessation counseling services provides that we never cover tobacco cessation services when code 305.1 is reported as the principal diagnosis, we erroneously stated that code 305.1 would be added to the MCE edit "Questionable Admission—Principal

Diagnosis Only.” Therefore, we are revising this discussion by replacing the incorrect MCE edit, “Questionable Admission—Principal Diagnosis Only,” with the correct MCE edit, “Unacceptable Principal Diagnosis.” (See item 3 of section III.A. of this notice.)

On page 47444, in our preamble discussion regarding Medicare Geographic Reclassification Review Board (MGCRB) reclassification for urban hospitals, we made typographical errors in our citations to the regulations text. In addition, on pages 47486 and 47487, our amendment to the regulations text contained technical errors. In this notice, we are revising the relevant preamble and regulations text. (See item 7 of section III.A. and items 1 and 2a of section III.B. of this notice.)

On page 47445, we made incorrect references in our preamble discussion regarding the date by which the MGCRB has to make its reclassification decisions. We are revising this discussion to clarify that the MGCRB has 180 days in which to make its reclassification decision. (See item 8 of section III.A. of this notice.)

On pages 47477 and 47478, in the column heading of the chart displaying information regarding diagnosis-related groups (DRGs) that recognize major cardiovascular conditions (MCVs), we erroneously included new DRGs whose titles include “without MCV.” We are revising this heading to include only those DRGs that recognize MCVs. (See item 10 of section III.A. of this notice.)

On pages 47589 and 47596, in Table 4A, we made errors in the calculation of the wage indexes and geographic adjustment factors for 2 core-based statistical areas (CBSAs). Accordingly, we are correcting this table to include the correct wage indexes and geographic adjustment factors (GAFs) for these CBSAs. We are also correcting the wage index values listed in Table 2 for the affected providers. (See items 1 and 2 of section III.C. of this notice.) In addition, the wage index data for a provider were erroneously omitted from the wage index calculation. This error affects hospitals geographically located in and reclassifying to the Houston-Sugar Land-Baytown, TX CBSA. Accordingly, we are revising Tables 2, 4A, and 4C to reflect the correct information. (See items 1, 2, and 4 of section III.C. of this notice.) Similarly, another provider's wage data were erroneously omitted from the wage index calculation that affects hospitals geographically located in and reclassifying to the Nashville-Davidson-Murfreesboro, TN CBSA. Therefore, we are including the corrected data in Tables 2, 4A, and 4C.

(See items 1, 2, and 4 of section III.C. of this notice.)

On page 47604 on Table 4B we made an error in the calculation of the wage index and geographic adjustment factor for rural Washington. (See item 3 of section III.C. of this notice.) Therefore, we are correcting the wage index and GAF values listed for the 5 CBSAs in Table 4A that receive the Washington rural floor and we are also correcting the wage index values listed in Table 2 for the affected providers (See items 1 and 2 of section III.C. of this notice.)

On page 47611, in Table 4J, we made a number of typographical errors in a group of the provider numbers listed. In this notice, we are correcting these errors. (See item 5 of section III.C. of this notice.)

On page 47675, in Table 9A, we inadvertently reclassified a provider to the incorrect CBSA. In addition, in Table 2, we also inadvertently listed the incorrect wage index for this provider. Accordingly, we are revising both of these tables to reflect the correct information for this provider. (See items 1 and 8 of section III.C. of this notice.)

We are also correcting typographical, formatting or other errors that appear on other pages of the FY 2006 final rule.

### III. Correction of Errors

In FR Doc. 05–15406 (70 FR 47278), we are making the following corrections:

#### A. Corrections to Errors in the Preamble

1. On page 47289, third column, first full paragraph, line 34 the figure “111” is corrected to read “115”.

2. On page 47292, first column, first partial paragraph, lines 1 and 2, the phrase “and adding the code in DRG 515” is deleted.

3. On page 47312, second column, second full paragraph, lines 26 and 27 the phrase “Questionable Admission-Principal Diagnosis Only” is corrected to read “Unacceptable Principal Diagnosis”.

4. On page 47344,  
a. Second column, first partial paragraph, line 1, the word “criteria” is corrected to read “criterion”; and  
b. Third column, first full paragraph, line 1, the word “INFUSETM” is corrected to read “INFUSE”.

5. On page 47350, third column,  
a. First partial paragraph, last line, the phrase “Endovascular Stent Graft.” is corrected to read “Endovascular Stent Graft.”; and  
b. First full paragraph, line 48, the phrase “could not longer be” is corrected to read “could no longer be”.

6. On page 47418, second column, first full paragraph, line 11, the date “October 1, 2006” is corrected to read “October 1, 2005”.

7. On page 47444, first column, third full paragraph,

a. Line 21, the phrase “will longer be” is corrected to read “will no longer be”;

b. Line 30, the citation “§ 412.230(a)(5)(iv)” is corrected to read “§ 412.230(a)(5)(iii)”; and c. Line 34, the citation “§ 412.230(a)(5)(iv)” is corrected to read “§ 412.230(a)(5)(iii)”.

8. On page 47445, second column, first paragraph,

a. Line 25, the date “February 1” is corrected to read “180 days from the September 1 application due date”; and

b. Line 55, the date “February 1, 2006” is corrected to read “180 days from the September 1 application due date”.

9. On page 47446, first column, third paragraph, line 22, the citation “§ 412.230(d)(2)(iv)” is corrected to read “§ 412.230(d)(2)(iii)”.

10. On pages 47477 and 47478, in the chart, the fourth column, the header row, the heading “DRGs 547, 548, 549, 550, 553, 554, 555, 556, 557, and 558” is corrected to read “DRGs 547, 549, 553, 555, and 557”.

#### B. Corrections to Errors in the Regulations Text

##### § 412.230 [Corrected]

■ 1. On page 47486, third column, third line from the bottom, in the amendatory language for § 412.230, the phrase “Revising paragraph (a)(5)(iv)” is corrected to read “Revising paragraph (a)(5)(iii)”.

■ 2. On page 47487, first column, a. Line 10, in § 412.230(a)(5), the paragraph number “(iv)” is corrected to read “(iii)”.

#### C. Corrections to Errors in the Addendum

1. On pages 47510, 47524, 47531, 47552, 47561 through 47568, 47570 and 47571, in Table 2—Hospital Case-Mix Indexes for Discharges Occurring in Federal Fiscal Year 2004; Hospital Wage Indexes for Federal Fiscal Year 2006; Hospital Average Hourly Wages for Federal Fiscal Years 2004 (2000 Wage Data), 2005 (2001 Wage Data), and 2006 (2002 Wage Data); Wage Indexes and 3–Year Average of Hospital Average Hourly Wages, for the listed provider numbers, the FY 2006 Wage Index (column 3) is corrected to read as follows:

Provider No.	FY 2006 wage index
030012 .....	0.9874
130065 .....	0.9400
130067 .....	0.9400
180013 .....	0.9506

Provider No.	FY 2006 wage index	Provider No.	FY 2006 wage index
180066 .....	0.9506	450378 .....	0.9999
180124 .....	0.9506	450417 .....	0.9999
360095 .....	0.9564	450418 .....	0.9999
440003 .....	0.9778	450424 .....	0.9999
440006 .....	0.9778	450438 .....	0.9999
440029 .....	0.9778	450446 .....	0.9999
440035 .....	0.9506	450484 .....	0.9999
440039 .....	0.9778	450530 .....	0.9999
440046 .....	0.9778	450591 .....	0.9999
440053 .....	0.9778	450610 .....	0.9999
440059 .....	0.9506	450617 .....	0.9999
440065 .....	0.9778	450630 .....	0.9999
440073 .....	0.9506	450638 .....	0.9999
440082 .....	0.9778	450644 .....	0.9999
440111 .....	0.9778	450659 .....	0.9999
440133 .....	0.9778	450670 .....	0.9999
440148 .....	0.9506	450684 .....	0.9999
440150 .....	0.9778	450694 .....	0.9999
440151 .....	0.9506	450709 .....	0.9999
440161 .....	0.9778	450716 .....	0.9999
440175 .....	0.9506	450774 .....	0.9999
440186 .....	0.9778	450775 .....	0.9999
440192 .....	0.9506	450795 .....	0.9999
440193 .....	0.9778	450803 .....	0.9999
440194 .....	0.9778	450804 .....	0.9999
440197 .....	0.9778	450820 .....	0.9999
440200 .....	0.9778	450831 .....	0.9999
440218 .....	0.9778	450832 .....	0.9999
450018 .....	0.9999	450844 .....	0.9999
450035 .....	0.9999	450847 .....	0.9999
450068 .....	0.9999	450848 .....	0.9999
450072 .....	0.9999	450860 .....	0.9999
450097 .....	0.9999	450862 .....	0.9999
450126 .....	0.9999	450870 .....	0.9999
450184 .....	0.9999	500002 .....	1.0511
450187 .....	0.9999	500007 .....	1.0719
450193 .....	0.9999	500012 .....	1.0511
450211 .....	0.9999	500019 .....	1.0724
450214 .....	0.9999	500033 .....	1.0511
450222 .....	0.9999	500036 .....	1.0511
450253 .....	0.9999	500037 .....	1.0511
450289 .....	0.9999	500049 .....	1.0511
450296 .....	0.9999	500122 .....	1.0511
450330 .....	0.9999	500147 .....	1.0511
450347 .....	0.9999	500148 .....	1.0511
450358 .....	0.9999		

2. On pages 47589, 47591 through 47594, 47596, and 47602, in Table 4A—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas by CBSA, for the listed CBSA codes, the wage index (column 3) and GAF (column 4) are corrected to read as follows:

CBSA code	Wage index	GAF
26420 .....	0.9999	0.9999
26820 .....	0.9400	0.9585
30300 (WA Hospitals) ..	1.0511	1.0347
31020 .....	1.0511	1.0347
34580 .....	1.0511	1.0347
34980 .....	0.9778	0.9847
39140 .....	0.9874	0.9914
48300 .....	1.0511	1.0347
49420 .....	1.0511	1.0347

3. On page 47604, in Table 4B—Wage Index and Capital Geographic Adjustment (GAF) for Rural Areas by CBSA, for the listed CBSA code, the wage index (column 3) and GAF (column 4) are corrected to read as follows:

CBSA code	Wage index	GAF
50 .....	1.0511	1.0347

4. On pages 47605 and 47606, in Table 4C—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals that are Reclassified by CBSA, for the listed CBSA codes, the wage index (column 3) and GAF (column 4) are corrected or added to read as follows:

CBSA code	Area	Wage index	GAF
26420 .....	Houston-Sugar Land-Baytown, TX .....	0.9999	0.9999
26820 .....	Idaho Falls, ID .....	0.9400	0.9585
34980 .....	Nashville-Davidson-Murfreesboro, TN .....	0.9506	0.9659

5. On page 47611, in Table 4J—Out-Migration Adjustment—FY 2006, the 23rd through 45th entries, the entries in the Published Provider No. column in the chart below are corrected in the Corrected Provider No. column to read as follows:

Published provider No.	Corrected provider No.
540022 .....	150022
540030 .....	150030
540035 .....	150035
540045 .....	150045
540060 .....	150060
540062 .....	150062
540065 .....	150065

Published provider No.	Corrected provider No.
540076 .....	150076
540088 .....	150088
540091 .....	150091
540102 .....	150102
540113 .....	150113
540122 .....	150122
640013 .....	160013
640026 .....	160026
640030 .....	160030
640032 .....	160032
640080 .....	160080
740137 .....	170137
840012 .....	180012
840066 .....	180066
840127 .....	180127

Published provider No.	Corrected provider No.
840128 .....	180128

6. On page 47619, in Table 5—List of Diagnosis-Related Groups, Relative Weighting Factors, and Geometric and Arithmetic Mean Length of Stay (LOS), the 11th and 12th entries, the DRG title (column 6) is corrected to read as follows:

DRG	DRG title
68 .....	OTITIS MEDIA & URI AGE >17 W CC

DRG	DRG title
69 .....	OTITIS MEDIA & URI AGE >17 W/O CC

7. On page 47638, in Table 6E—Revised Diagnosis Code Titles, the first entry, the CC (column 3) is corrected to read as follows:

Diagnosis code	CC
285.21* .....	N

8. On page 47675, in Table 9A—Hospital Reclassifications and Redesignations by Individual Hospital and CBSA—FY 2006, first set of entries, the 36th entry, the Reclassified CBSA is corrected to read as follows:

Provider No.	Reclassified CBSA
360095 .....	45780

### III. Waiver of Proposed Rulemaking and Delay in 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. We can also waive the 30-day delay in effective date under the APA (5 U.S.C. 553(d)) when there is good cause to do so and we publish in the rule an explanation of our good cause.

The policies and payment methodology expressed in the FY 2006 final rule have previously been subjected to notice and comment procedures. This correction notice merely corrects typographical and technical errors in the preamble, regulations text, and addendum of the FY 2006 final rule and does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correction notice is intended to ensure that the FY 2006 final rule accurately reflects the policies adopted in the final rule. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

For the same reasons, we are also waiving the 30-day delay in effective date for this correction notice. We believe that it is in the public interest to ensure that the FY 2006 final rule accurately represents our prospective payment methodology, payment rates, and policies. Thus delaying the effective date of these corrections would be contrary to the public interest. Therefore, we also find good cause to waive 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: September 27, 2005.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 05–19612 Filed 9–29–05; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS–1282–CN]

#### 42 CFR Parts 411 and 424

RIN 0938–AN65

#### Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Correction

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

**ACTION:** Final rule; correction notice.

**SUMMARY:** This document corrects typographical and technical errors that appeared in the August 4, 2005 **Federal Register**, entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2006.”

**EFFECTIVE DATE:** October 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Kranacs, (410) 786–9385. Bill Ullman, (410) 786–5667. Sheila Lambowitz, (410) 786–7605.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 05–15221, (70 FR 45026), the final rule entitled “Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2006” (hereinafter referred to as the FY 2006 final rule), there were a number of typographical and technical errors that are identified and corrected in section III. “Correction of Errors” below. The

provisions of this correction notice are effective as if they had been included in the FY 2006 final rule. Accordingly, the corrections are effective on October 1, 2005.

## II. Summary of the Corrections to the FY 2006 Final Rule

### A. Corrections to the Preamble of the FY 2006 Final Rule

On pages 45046 and 45047, in the preamble discussion of the SNF market basket index, we inadvertently included incorrect values in the column labeled “Relative importance, labor-related, FY 2005 (97 index).” Therefore, we are revising the second column in Table 11 (“Labor-Related Relative Importance, FY 2005 and FY 2006”) to include the correct values for the labor share estimate for FY 2005 based on the 2nd quarter 2004 projection. (See item 1 of section III.A of this notice.)

### B. Corrections to the Regulations Text of the FY 2006 Final Rule

On page 45055, we made a technical error in the regulations text of title 42, part 411. In this paragraph, we inadvertently excluded the updated statutory authority citation for this part. As revised by FR Doc. 05–1321 entitled “Medicare Program; Medicare Prescription Drug Benefit” (70 FR 4525, January 28, 2005), in this notice we are correcting the regulations text to include Secs. 1102, 1860D–1 through D–42, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395w–101 through 1395w–152, and 1395hh). Accordingly, we are now republishing the corrected statutory authority citation for part 411, as revised by FR Doc. 05–1321. (See item 1 of section III. B. of this notice.)

Also on page 45055, in our revisions to two different sections of the regulations text in part 424 of the FY 2006 final rule, we inadvertently omitted a subpart heading. Specifically, revised § 424.3 and § 424.20 were both displayed as being included within subpart B of part 424 (“Certification and Plan of Treatment Requirements”). In fact, only § 424.20 is included within that subpart, while § 424.3 is included within subpart A (“General Provisions”). (See items 2 and 3 of section III. B. of this notice.)

### C. Corrections of Errors to the Addendum of the FY 2006 Final Rule

Wage index data for two providers were erroneously omitted from the wage index calculation. This affected the wage index determination for the Houston-Sugar Land-Baytown, TX CBSA and the Nashville-Davidson-Murfreesboro, TN CBSA. Accordingly,