

**Subpart FF—New Jersey**

■ 2. Section 52.1570 is amended by adding new paragraph (c)(83) to read as follows:

**§ 52.1570 Identification of plans.**

\* \* \* \* \*

(c) \* \* \*

(83) Revisions to the State Implementation Plan and submitted on February 6, 2007 as proposed, and subsequently adopted and submitted on July 9, 2007 by the State of New Jersey Department of Environmental Protection (NJDEP) that establishes rules for the allowance allocation of oxides of nitrogen (NO<sub>x</sub>) for the annual and ozone season Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Cap and Trade Programs. The submission also establishes a date when

the CAIR NO<sub>x</sub> Trading Programs will replace the State's NO<sub>x</sub> Budget Program, and satisfies New Jersey's 110(a)(2)(D)(i) obligations to submit a SIP revision that contains adequate provisions to prohibit air emissions from adversely affecting another state's air quality through interstate transport.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 30 of the New Jersey Administrative Code entitled "Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Trading Program," effective July 16, 2007 and Title 7, Chapter 27, Subchapter 31, Section 23 of the New Jersey Administrative Code entitled "NO<sub>x</sub> Budget Program," effective July 16, 2007.

(ii) Additional information:

(A) February 2, 2007 letter from Commissioner Lisa P. Jackson, NJDEP,

to Alan J. Steinberg, EPA, submitting proposed SIP revision, and request for parallel processing.

(B) June 26, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting SIP revision.

(C) December 29, 2006 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, indicating how New Jersey has addressed the required elements of 110(a)(2)(D)(i).

■ 3. In 52.1605, the table is amended by adding an entry for Subchapter 30 and revising the entry for Subchapter 31 under the heading "Title 7, Chapter 27" to read as follows:

**§ 52.1605 EPA-approved New Jersey regulations.**

State regulation	State effective date	EPA approved date	Comments
* * * * *	* * * * *	* * * * *	* * * * *
<b>Title 7, Chapter 27</b>			
* * * * *	* * * * *	* * * * *	* * * * *
Subchapter 30, "Clean Air Interstate Rule (CAIR) NO <sub>x</sub> Trading Program."	July 16, 2007 .....	October 1, 2007 [Insert FR page citation].	
Subchapter 31, "NO <sub>x</sub> Budget Program."	July 16, 2007 .....	October 1, 2007 [Insert FR page citation].	
* * * * *	* * * * *	* * * * *	* * * * *

**PART 97—[AMENDED]**

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 42 U.S.C. 7401, 7403, 7410, 7426, 7601, and 7651, *et seq.*

■ 2. Appendix A to Subpart EE is amended by adding the entry for "New Jersey" in alphabetical order under paragraphs 1. and 2. to read as follows:

**Appendix A to Subpart EE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations**

\* \* \* \* \*

1. \* \* \*

New Jersey

2. \* \* \*

New Jersey

■ 3. Appendix A to Subpart EEEE is amended by adding the entry for "New Jersey" in alphabetical order under the introductory text to read as follows:

**Appendix A to Subpart EEEE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations**

\* \* \* \* \*

New Jersey

[FR Doc. E7-19216 Filed 9-28-07; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 418**

[CMS-1539-CN]

**RIN 0938-A072**

**Medicare Program; Hospice Wage Index for Fiscal Year 2008 Correction**

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

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects typographical errors that appeared in

the final rule published in the August 31, 2007 **Federal Register** entitled "Medicare Program; Hospice Wage Index for Fiscal Year 2008."

**DATES:** *Effective Date:* These corrections are effective on October 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Terri Deutsch, (410) 786-9462.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 07-4292 of August 31, 2007 (72 FR 50214), there were errors that are identified and corrected in "Section III Correction of Errors". The provisions in this correction notice are effective as if they had been included in the August 31, 2007 final rule. Accordingly, these corrections are effective October 1, 2007.

**II. Summary of Errors**

Table A of the Addendum lists the fiscal year (FY) 2008 urban wage index values for hospice providers by Core-Based Statistical Areas (CBSA) designations. To ensure that hospice providers are able to identify their FY 2008 wage index value, table A contains the CBSA codes, CBSA county name

(urban area), and CBSA wage index for urban geographic areas. However, for CBSA codes 29940 and 44140, on pages 50238 and 50245, respectively, we inaccurately specified the urban areas.

These errors do not represent a change in policy. In addition, these changes are consistent with the

proposed rule (72 FR 24146 and 24162) and how the urban areas have been defined in the past.

### III. Correction of Errors

FR Doc. 07-4292 of August 31, 2007 (72 FR 50214), make the following corrections:

1. On page 50238, in "TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS BY CBSA," the urban area for CBSA code 29940 is corrected to read as follows:

CBSA code	Urban area (constituent counties or county equivalents) <sup>2</sup>	Wage index <sup>1</sup>
29940 .....	Lawrence, KS, Douglas, KS .....	0.8923

2. On page 50245, in "TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS BY CBSA," the urban area for

CBSA code 44140 is corrected to read as follows:

CBSA code	Urban area (constituent counties or county equivalents) <sup>2</sup>	Wage index <sup>1</sup>
44140 .....	Springfield, MA, Franklin, MA, Hampden, MA, Hampshire, MA .....	1.0751

### 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 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.

Section 553(d) of the APA ordinarily requires a 30-day delay in 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.

The revisions contained in this document merely correct typographical errors in Table A of the Addendum. These corrections are necessary to ensure that the final rule accurately reflects the correct urban areas. Since these changes do not represent any policy changes, but are merely technical in nature, we find that public comments on these revisions are unnecessary. Therefore, we find good cause to waive notice and comment procedures and the 30-days 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 26, 2007.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 07-4851 Filed 9-28-07; 8:45 am]

**BILLING CODE 4120-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 101

[WT Docket No. 07-54; RM-11043; FCC 07-163]

### Amendment of the Commission's Rules To Modify Antenna Requirements for the 10.7–11.7 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission amends its rules to allow the use of smaller antennas by Fixed Service licensees in the 10.7–11.7 GHz band. The Commission also adopts rules to ensure that the use of smaller antennas does not harm other users in the band. This action will facilitate a range of fixed microwave applications—including those that support next generation mobile services—that are not accommodated under the existing rules for the band.

**DATES:** *Effective Date:* October 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Brian Wondrack, Broadband Division, Wireless Telecommunications Bureau at (202) 418-0653 or via the Internet at [Brian.Wondrack@fcc.gov](mailto:Brian.Wondrack@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, WT Docket No. 07-54, RM-

11043, adopted September 7, 2007 and released September 10, 2007. The full text of this document is available on the Commission's Internet site at <http://www.fcc.gov>. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; e-mail [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM). Alternate formats are available to persons with disabilities by e-mail [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or by calling (202) 418-0530 or TTY (202) 418-0432.

### I. Summary of the Report and Order (WT Docket No. 07-54)

1. In this *Report and Order*, in WT Docket No. 07-54, the Commission adopted amendments to 47 CFR 101.115 to permit the installation of smaller antennas by Fixed Service (FS) operators in the 10.7–11.7 GHz (11 GHz) band. The Commission also amended 47 CFR 101.115 to require any FS licensee that deploys a smaller antenna that does not comply with Category A standard in the 11 GHz band to ensure that the introduction of such an antenna into the 11 GHz band does not cause any more interference to other licensees and applicants in the band than an antenna meeting the Category A standard. The Commission found that these modifications serve the public interest by facilitating the efficient use of the 11 GHz band while protecting other users in the band from interference. Because our adoption of the subject rules permits