

**Addendum B.—Final OPPTS Payment by HCPCS Code for CY 2009**

2. On page 69228, in line 31, for HCPCS Code J3300—

- A. In column 4, the status indicator “N” is corrected to read “K.”
- B. In column 5, the APC is corrected to read “1253.”
- C. In column 7, the payment rate is corrected to read “\$3.18.”

D. In column 9, the minimum unadjusted copayment is corrected to read “\$0.64.”

The HCPCS Code for J3300 should read as follows:

HCPCS Code	Short descriptor	CI	SI	APC	Relative weight	Payment rate	National unadjusted copayment	Minimum unadjusted copayment
J3300 .....	Triamcinolone A inj PRS-free .....	NI	K	1253	.....	\$3.18	.....	\$0.64

**Addendum BB.—Final ASC Covered Ancillary Services Integral to Covered Surgical Procedures for CY 2009 (Including Ancillary Services for Which Payment Is Packaged)**

3. On page 69301, in line 37, for HCPCS Code J3300—

- A. In column 4, the payment indicator “N1” is corrected to read “K2.”
- B. In column 6, the CY 2009 second year transition payment is corrected to read “\$3.18.”

**IV. 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 notice such as this take effect, in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a notice in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). 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 it is impracticable, unnecessary or contrary to the public interest to follow the notice and comment procedure or to comply with the 30-day delay in the effective date, and incorporates a statement of the finding and the reasons in the notice.

The policies and payment methodologies finalized in the CY 2009 OPPTS/ASC final rule with comment period have previously been subjected to notice and comment procedures. This correction notice merely provides technical corrections to the CY 2009 OPPTS/ASC final rule with comment period that was promulgated through notice and comment rulemaking, and does not make substantive changes to the policies or payment methodologies that were finalized in the final rule with comment period. In order to conform the document to the final policies of the CY 2009 OPPTS/ASC final rule with comment period, this notice makes changes to revise inaccurate tabular

information. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice. In addition, we believe it is important for the public to have the correct information as soon as possible and find no reason to delay the dissemination of it. For the reasons stated above, we find that both notice and comment and the 30-day delay in effective date for this correction notice are unnecessary. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this correction notice.

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

Dated: January 16, 2009.

**Ann Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E9–1519 Filed 1–23–09; 8:45 am]

**BILLING CODE 4120–10–P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Chapter 1**

[FCC 08–243; WT Docket No. 00–230]

**Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In the Second Order on Reconsideration, the Commission denies a petition for reconsideration or, in the alternative, clarification filed by T-Mobile USA, Inc. with respect to the Commission’s Secondary Markets Second Report and Order (Second R&O) in this proceeding.

**FOR FURTHER INFORMATION CONTACT:** Wireless Telecommunications Bureau, Spectrum and Competition Policy Division: Paul D’Ari at (202) 418–1550.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Second

Order on Reconsideration, WT Docket No. 00–230, adopted on October 9, 2008 and released on October 17, 2008. The full text of this document is available on the Internet at the Commission’s Web site: [http://hraunfoss.fcc.gov/edocs\\_public](http://hraunfoss.fcc.gov/edocs_public). It is also available for inspection and copying from 8 a.m. to 4:30 p.m. ET Monday through Thursday or from 8 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. You may purchase the Second Order on Reconsideration from the Commission’s duplicating contractor, Best Copy & Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: <http://www.BCPIWEB.com>. When ordering documents from BCPI, please provide the appropriate FCC document number, for example, FCC 08–243.

**Summary of the Second Order on Reconsideration**

1. The Second Order on Reconsideration denies a Petition for Reconsideration or, in the Alternative, Clarification (Petition) filed by T-Mobile USA, Inc. (T-Mobile). In the Second R&O, the Commission took several steps to facilitate the development of secondary markets in spectrum usage rights involving Wireless Radio Services. Among other things, the Commission established immediate approval procedures for spectrum leasing arrangements and license assignments and transfers of control where the potential lessee or assignee/transferee could certify either (1) that it does not have more than 25 percent indirect foreign ownership, or (2) that it has previously obtained a declaratory ruling from the Commission establishing that the proposed transaction falls within the scope of that declaratory ruling, including with respect to type of service and geographic coverage area, and that there has been no change in foreign ownership in the

meantime. The Commission determined that transactions raising specified potential public interest concerns, including certain transactions raising potential foreign ownership concerns associated with section 310(b)(4) of the Communications Act, would not be among those eligible for processing under the immediate approval procedures and would remain subject to the certification and declaratory ruling requirements in the existing streamlined processing procedures. However, the Commission also announced a policy of entertaining section 310(b)(4)-related petitions that could enable carriers with indirect foreign ownership interests to avail themselves of speedier processing of spectrum leasing arrangements and license assignments under certain circumstances.

2. In the Petition, T-Mobile asked the Commission not to strictly construe the new section 310(b)(4) policy and to revise or clarify it to eliminate the need for a new declaratory ruling under certain circumstances, including, among others, when foreign ownership of the ultimate controlling entity would remain unchanged and the licenses that are the subject of the proposed transaction would be utilized in the current business of the applicant and its affiliates.

3. The Commission affirmed the policy adopted in the Second R&O and denied T-Mobile's Petition. The Commission determined that it had struck an appropriate balance in the Second R&O between promoting secondary markets and ensuring adequate review of proposed transactions by the Commission and the Executive Branch. The Commission also found that the revised criteria proposed by T-Mobile were not sufficiently precise to allow the Commission to dispense with the requirement for a new declaratory ruling for purposes of its section 310(b)(4) review.

4. Accordingly, it is ordered that pursuant to sections 1, 4(i), 301, 303(r), and 310 of the Communications Act, as amended, 47 U.S.C. 151, 154(i), 301, 303(r), and 310, the Petition is hereby denied.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. E9-1286 Filed 1-23-09; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[WC Docket No. 02-112, CC Docket No. 00-175 and WC Docket No. 06-120; FCC 07-159]

#### Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements; 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules; Petition of AT&T Inc. for Forbearance Under 47 U.S.C. 160(c) With Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On September 24, 2008, the Office of Management and Budget (OMB) approved, for a period of three years, the information collections for the service quality measurement plan for interstate special access and monthly usage requirements associated with the Commission's *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements; 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules; Petition of AT&T Inc. for Forbearance Under 47 U.S.C. 160(c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services*, Report and Order and Memorandum Opinion and Order, FCC 07-159 (released Aug. 31, 2007) (*Report and Order*). These information collection requirements required OMB approval in order to become effective.

**DATES:** On September 24, 2008, the Office of Management and Budget approved the information collections for the service quality measurement plan for interstate special access and monthly usage requirements adopted in the Report and Order published at 72 FR 58021, October 12, 2007.

**FOR FURTHER INFORMATION CONTACT:** Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, at (202) 418-7295.

**SUPPLEMENTARY INFORMATION:** This document announces that, on September 24, 2008, OMB approved, for a period of three years, certain information collection requirements for the service quality measurement plan for interstate special access and monthly usage requirements contained in the Commission's *Report and Order*, FCC 07-159, published at 72 FR 58021,

October 12, 2007. The OMB Control Number is 3060-1120. The Commission publishes this notice as an announcement of that approval. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Thomas Butler, Federal Communications Commission, Room 5-C457, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Number, 3060-1120, in your correspondence. The Commission will also accept your comments via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on September 24, 2008, for the information collection requirements for the service quality measurement plan for interstate special access and monthly usage requirements associated with the *Report and Order*. The OMB Control Number is 3060-1120. The total annual reporting burden for respondents for these collections of information, including the time for gathering and maintaining the collection of information, is estimated to be: 3 respondents, 48 responses, total annual burden hours of 3,000 hours, and no annual costs.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act, which does not display a current, valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. E9-1256 Filed 1-23-09; 8:45 am]

**BILLING CODE 6712-01-P**