

ozone NAAQS for the New Jersey and New York portion of the NY-NJ-CT area. The EPA is not taking action on the other elements of the State submittals.

V. Proposed Action

The EPA has evaluated the information provided by New Jersey and New York and has considered all other information it deems relevant to a demonstration of attainment of the 1997 8-hour ozone standard and the continued attainment of the 1997 8-hour ozone standard based on the modeling, the quality assured and certified monitoring data, and the implementation of the more stringent 2008 8-hour ozone standard. The EPA is therefore proposing to approve New Jersey's and New York's attainment demonstrations for the states' respective portions of the NY-NJ-CT area for the 1997 ozone NAAQS. This proposed rulemaking is intended to address the EPA's obligations to act on the 1997 8-hour standard attainment demonstration portions of the New Jersey January 2, 2018 submittal and the New York November 13, 2017 submittal addressing the NY-NJ-CT nonattainment area.

The EPA is soliciting public comments on the issues discussed in this proposal. Any timely comment submitted will be considered before the EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments as discussed in the **ADDRESSES** section of this rulemaking.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking action, pertaining to New York's and New Jersey's 1997 8-hour ozone attainment demonstration submissions is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen Dioxide, Intergovernmental Relations, Ozone, Reporting and recordkeeping requirements, Particulate matter, Volatile Organic Compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 8, 2021.

Walter Mugdan,

Acting Regional Administrator, Region 2.
[FR Doc. 2021-13401 Filed 6-23-21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412, 413, 425, 455, and 495

[CMS-1752-CN]

RIN 0938-AU44

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2022 Rates; Quality Programs and Medicare Promoting Interoperability Program Requirements for Eligible Hospitals and Critical Access Hospitals; Proposed Changes to Medicaid Provider Enrollment; and Proposed Changes to the Medicare Shared Savings Program; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects technical and typographical errors in the proposed rule that appeared in the May 10, 2021 **Federal Register** titled "Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2022 Rates; Quality Programs and Medicare Promoting Interoperability Program Requirements for Eligible Hospitals and Critical Access Hospitals; Proposed Changes to Medicaid Provider Enrollment; and Proposed Changes to the Medicare Shared Savings Program."

DATES: June 24, 2021.

FOR FURTHER INFORMATION CONTACT:

Katrina Hoadley, katrina.hoadley@cms.hhs.gov, Hospital Inpatient Quality Reporting Program.

Julia Venanzi, julia.venanzi@cms.hhs.gov, Hospital Inpatient Quality Reporting and Hospital Value-Based Purchasing Programs—Administration Issues.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2021-08888 of May 10, 2021 (86 FR 25070), there were a number of technical and typographical errors that are identified and corrected in this correcting document.

II. Summary of Errors

On pages, 25473, 25475, 25484, and 25588 we made typographical and technical errors in footnotes and references to statutory citations and other sections of the proposed rule.

On page 25471, in our discussion of the Hospital Value-based Purchasing (VBP) Program, we made errors in numbering the list of proposed Measure Suppression Factors.

On pages 25489, 25491, and 25492, in our discussion of the Hospital VBP Program, we made errors in the achievement thresholds and benchmarks for the clinical outcomes domain performance standards that appear in the three tables.

III. Correction of Errors

In FR Doc. 2021-08888 of May 10, 2021 (86 FR 25070), make the following corrections:

- 1. On page 25471, second column,
 - a. First partial paragraph, lines 6 and 7, the sentence “The proposed Measure Suppression Factors are:” is corrected to read “The proposed measure suppression factors are as follows:”.
 - b. First through fifth full paragraphs, beginning with the phrase “5.

Significant deviation” and ending with the phrase “(iii) patient case volumes or facility-level case mix.” are corrected to read as

“• Significant deviation in national performance on the measure during the PHE for COVID-19, which could be significantly better or significantly worse compared to historical performance during the immediately preceding program years.

• Clinical proximity of the measure’s focus to the relevant disease, pathogen, or health impacts of the PHE for COVID-19.

• Rapid or unprecedented changes in—

++ Clinical guidelines, care delivery or practice, treatments, drugs, or related protocols, or equipment or diagnostic tools or materials; or

++ The generally accepted scientific understanding of the nature or biological pathway of the disease or pathogen, particularly for a novel disease or pathogen of unknown origin.

• Significant national shortages or rapid or unprecedented changes in—

++ Healthcare personnel;

++ Medical supplies, equipment, or diagnostic tools or materials; or

++ Patient case volumes or facility-level case mix.”

■ 2. On page 25473, third column, first full paragraph, line 2, the phrase “section XX.H.1”, is corrected to read “section V.H.1.”

■ 3. On page 25475, third column, following the last paragraph, the column is corrected by adding footnote text (footnote 957) to read as follows:

“⁹⁵⁷ Zheng, Jun. SARS-CoV-2: an Emerging Coronavirus that Causes a Global Threat. *Int J Biol Sci.* 2020; 16(10): 1678–1685. Published online 2020 Mar 15. doi: 10.7150/ijbs.45053.”

■ 4. On page 25484, lower two-thirds of the page, the table titled Table V.H.–6: Previously Adopted Baseline and Performance Periods for the FY 2023 Program Year, the last table note, first line, the reference “section XX.X.3.c.” is corrected to read “section V.H.3.c.”

■ 5. On page 25489, middle of the page, the table titled “Table V.H–11: Previously Established and Estimated Performance Standards for the FY 2024 Program Year”, the entries for the clinical outcomes domain’s achievement thresholds and benchmarks are corrected to read as follows:

TABLE V.H–11—PREVIOUSLY ESTABLISHED AND ESTIMATED PERFORMANCE STANDARDS FOR THE FY 2024 PROGRAM YEAR

| Measure short name | Achievement threshold | Benchmark |
|-------------------------------------|-----------------------|-----------|
| Clinical Outcomes Domain | | |
| MORT–30–AMI # | 0.869247 | 0.887868 |
| MORT–30–HF # | 0.882308 | 0.907733 |
| MORT–30–PN (updated cohort) # | 0.840281 | 0.872976 |
| MORT–30–COPD # | 0.916491 | 0.934002 |
| MORT–30–CABG # | 0.969499 | 0.980319 |
| COMP–HIP–KNEE * # | 0.025396 | 0.018159 |

• Per our proposal in section V.H.4.b. of the preamble of this proposed rule, the performance standards displayed in this table for the Safety domain measures were calculated using CY 2019 data.

* Lower values represent better performance.

Previously established performance standards.

■ 6. On page 25491, top half of the page, the table titled “Table V.H–13: Previously Established Performance

Standards for the FY 2025 Program Year”, the entries for the clinical outcomes domain’s achievement

thresholds and benchmarks are corrected to read as follows:

TABLE V.H–13—PREVIOUSLY ESTABLISHED PERFORMANCE STANDARDS FOR THE FY 2025 PROGRAM YEAR

| Measure short name | Achievement threshold | Benchmark |
|-----------------------------------|-----------------------|-----------|
| Clinical Outcomes Domain | | |
| MORT–30–AMI | 0.872624 | 0.889994 |
| MORT–30–HF | 0.883990 | 0.910344 |
| MORT–30–PN (updated cohort) | 0.841475 | 0.874425 |
| MORT–30–COPD | 0.915127 | 0.932236 |
| MORT–30–CABG | 0.970100 | 0.979775 |
| COMP–HIP–KNEE * | 0.025332 | 0.017946 |

* Lower values represent better performance.

- 7. On page 25492, top half of the page, the table titled “Table V.H–14: Previously Established Performance Standards for the FY 2026 Program Year”, the entries for the clinical outcomes domain’s achievement thresholds and benchmarks are corrected to read as follows:

TABLE V.H–14—PREVIOUSLY ESTABLISHED PERFORMANCE STANDARDS FOR THE FY 2026 PROGRAM YEAR

| Measure short name | Achievement threshold | Benchmark |
|-----------------------------------|-----------------------|-----------|
| Clinical Outcomes Domain | | |
| MORT–30–AMI | 0.874426 | 0.890687 |
| MORT–30–HF | 0.885949 | 0.912874 |
| MORT–30–PN (updated cohort) | 0.843369 | 0.877097 |
| MORT–30–COPD | 0.914691 | 0.932157 |
| MORT–30–CABG | 0.970568 | 0.980473 |
| COMP–HIP–KNEE * | 0.024019 | 0.016873 |

* Lower values represent better performance.

■ 8. On page 25588, second column, footnote paragraph (footnote 1232), lines 3 through 5, the phrase “2018: <https://www.arthritis.org/Documents/Sections/About-Arthritis/arthritis-facts-stats-figures.pdf>. Accessed March 8, 2019.” is corrected to read “2019: <https://www.arthritis.org/getmedia/e1256607-fa87-4593-aa8a-8db4f291072a/2019-abtn-final-march-2019.pdf>. Accessed May 13, 2021.”

Karuna Seshasai,

*Executive Secretary to the Department,
Department of Health and Human Services.*

[FR Doc. 2021–13481 Filed 6–23–21; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2020–0063;
FF09E22000 FXES1113090FEDR 212]

RIN 1018–BD83

Endangered and Threatened Wildlife and Plants; Reclassifying Smooth Coneflower as Threatened With Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to reclassify from endangered to threatened (“downlist”) the smooth coneflower (*Echinacea laevigata*) under the Endangered Species Act of 1973, as amended (Act) due to improvements in the species’ overall status since the original listing in 1992. This proposed action is based on a thorough review of the best available scientific and commercial information, which indicates that the species’ status has

improved such that it is not currently in danger of extinction throughout all or a significant portion of its range, but that it is still likely to become so in the foreseeable future. This proposed rule completes the 5-year status review for the species, initiated on March 12, 2018. If this proposal is finalized, smooth coneflower would be reclassified as a threatened species under the Act. We seek information, data, and comments from the public on this proposal. We also propose to establish a rule under section 4(d) of the Act for the protection of smooth coneflower.

DATES: We will accept comments received or postmarked on or August 23, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT**, by August 9, 2021.

ADDRESSES: You may submit comments on this proposed rule by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the Docket Number for this proposed rule, which is FWS–R4–ES–2020–0063. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R4–ES–2020–0063, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide to us (see Information Requested, below, for more information).

Document availability: This proposed rule and supporting documents (including the Recovery Plan) are available at <http://www.regulations.gov> under Docket No. FWS–R4–ES–2020–0063.

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office, 551–F Pylon Drive, Raleigh, NC 27606; telephone (919) 856–4520. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species may warrant reclassification from endangered to threatened if it no longer meets the definition of endangered (in danger of extinction). The smooth coneflower is listed as endangered, and we are proposing to reclassify the smooth coneflower as threatened (*i.e.*, “downlist” the species) because we have determined it is not currently in danger of extinction. Downlisting a species as a threatened species can only be made by issuing a rulemaking.

What this document does. This rule proposes to reclassify the smooth coneflower from endangered to threatened on the Federal List of Endangered and Threatened Plants (List), with a rule issued under section 4(d) of the Act to ensure the continued conservation of this species. This rule