

the inpatient only (IPO) list as of December 31, 2020, which is codified at 42 CFR 416.166(b)(2)(ii)(A). Therefore, we erroneously suggested that total ankle replacement (TAR) is on the list of ASC covered surgical procedures and can be paid for by Medicare when performed in the ASC, whereas TAR is actually subject to the exception at § 416.166(b)(2)(ii)(A) and is not paid for by Medicare when performed in the ASC. We are revising that paragraph in the preamble to state that total knee arthroplasty (TKA) and total hip arthroplasty (THA) are both on the ASC covered surgical procedures list, and we are deleting the reference to TAR.

### III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Specifically, 5 U.S.C. 553 requires the agency to publish a notice of the proposed rule in the **Federal Register** that includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. Further, 5 U.S.C. 553 requires the agency to give interested parties the opportunity to participate in the rulemaking through public comment before the provisions of the rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment for rulemaking to carry out the administration of the Medicare program under title XVIII of the Act. In addition, section 553(d) of the APA, and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the notice and comment and delay in effective date APA requirements. In cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act, also provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process are impracticable, unnecessary, or contrary to the public interest. In addition, both section 553(d)(3) of the

APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

We believe that this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements of the APA or section 1871 of the Act. This correcting document corrects technical errors in the preamble of the final rule but does not make substantive changes to the policies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest to ensure that the final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering payment eligibility or benefit methodologies or policies, but rather, simply correcting the preamble description of policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the final rule accurately reflects these policies. Therefore, we believe we have good cause to waive the requirements for notice and comment and delay of effective date.

### IV. Correction of Errors

In FR Doc. 2021–09097 of May 3, 2021 (86 FR 23496), make the following corrections:

1. On page 23553, second column, first partial paragraph,
  - a. Lines 6 through 11, the phrase “remove TAR and certain other orthopedic procedures from the IPO list and allow all procedures not on the IPO list to be paid when furnished in both the outpatient hospital and ASC settings” is corrected to read “add THAs to the ASC covered procedures list”.

- b. Lines 11 through 13, the phrase “all procedures included in the CJR model can, as of CY 2021, be performed in the ASC setting” is corrected to read “both TKA and THA may, as of CY 2021, be paid for by Medicare when furnished in the ASC setting”.

c. Line 15, the phrase “hospital setting is corrected to read “hospital settings.”

**Karuna Seshasai,**

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

[FR Doc. 2021–13324 Filed 6–23–21; 8:45 am]

**BILLING CODE 4150–28–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 51

[WC Docket No. 18–156; FCC 20–143; FRS #33399]

### 8YY Charge Reform

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's 8YY Charge Reform Report and Order (*Order*)'s toll free or 8YY intercarrier compensation rules. This document is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

**DATES:** The amendments to §§ 51.907(i) through (k) (instruction 4), 51.909(l) through (o) (instruction 5), and 51.911(e) (instruction 6.b), published at 85 FR 75894, November 27, 2020, are effective June 24, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ahuva Battams, Pricing Policy Division, Wireline Competition Bureau, at (202) 418–1565, or email: [ahuva.battams@fcc.gov](mailto:ahuva.battams@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that, on May 13, 2021, OMB approved, for a period of three years, the information collection requirements relating to the 8YY intercarrier compensation rules contained in the Commission's *Order*, FCC 20–143, published at 85 FR 75894. The OMB Control Number is 3060–0298. The Commission publishes this document as an announcement of the effective date of the rules. 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 Nicole Ongele, Federal Communications Commission, 45 L St. NE, Washington, DC 20554. Please

include the OMB Control Number, 3060–0298, in your correspondence. The Commission will also accept your comments via email at [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 email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and 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 final OMB approval on May 13, 2021, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 51.

Under 5 CFR part 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 that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0298.

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.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–0298.

*OMB Approval Date:* May 13, 2021.

*OMB Expiration Date:* May 31, 2024.

*Title:* Part 61, Tariffs (Other than Tariff Review Plan).

*Form Number:* N/A.

*Respondents:* Businesses or other for-profit entities.

*Number of Respondents and*

*Responses:* 2,925 respondents; 9,585 responses.

*Estimated Time per Response:* 1–50 hours.

*Frequency of Response:* One-time, biennial and on-occasion reporting requirements.

*Obligation To Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 1–5, 201–205, 208, 251–271, 403, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 151–155, 201–205, 208, 251–271, 403, 502 and 503.

*Total Annual Burden:* 244,477 hours.

*Total Annual Cost:* \$1,584,000.

*Nature and Extent of Confidentiality:* Respondents are not being asked to submit confidential information to the

Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

*Privacy Act:* No impact(s).

*Needs and Uses:* Sections 201, 202, 203, 204 and 205 of the Communications Act of 1934, (Act) as amended, 47 U.S.C. 201, 202, 203, 204 and 205, require that common carriers establish just and reasonable charges, practices, and regulations, which must be filed with the Commission to determine whether such schedules are just, reasonable and not unduly discriminatory. On October 9, 2020, the Commission released the *Order*, FCC 20–143, published at 85 FR 75894, which transitions intercarrier compensation for toll-free services either to lower, uniform rate caps or to bill-and-keep over approximately three years as a means of curtailing abuse of the 8YY intercarrier compensation regime. The Order requires price cap and rate-of-return carriers to establish separate rate elements for certain interstate and intrastate toll free and non-toll free services. Carriers are also required to lower the 8YY database query charges over three years, and are prohibited from charging for more than one query per call. Competitive local exchange carriers (LECs) assessing a tariffed intrastate or interstate Toll Free Database Query Charge must cap such charges and revise their tariffs to ensure that those charges do not exceed the rates charged by the competing incumbent LEC.

The information collected through carriers' tariffs is used by the Commission and state commissions to determine whether services offered are just and reasonable, as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2021–13213 Filed 6–23–21; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R6–ES–2019–0055; FF09E22000 FXES11130900000 201]

RIN 1018–BD49

### Endangered and Threatened Wildlife and Plants; Removing the Kanab Ambersnail From the List of Endangered and Threatened Wildlife

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

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are removing the Kanab ambersnail (*Oxyloma haydeni kanabensis*) from the Federal List of Endangered and Threatened Wildlife. This determination is based on a thorough review of the best available scientific information. Our review indicates that the Kanab ambersnail is not a valid subspecies and therefore cannot be listed as an endangered entity under the Endangered Species Act.

**DATES:** This rule is effective July 26, 2021.

**ADDRESSES:** This final rule, the supporting documents we used in preparing this rule, and public comments we received are available on the internet at <http://www.regulations.gov> at Docket No. FWS–R6–ES–2019–0055. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339.

#### FOR FURTHER INFORMATION CONTACT:

Yvette Converse, Field Supervisor, telephone: 801–975–3330. Direct all questions or requests for additional information to: Kanab Ambersnail Questions, U.S. Fish and Wildlife Service; Utah Ecological Services Field Office; 2369 Orton Circle, Suite 50; West Valley City, Utah 84119. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339.

#### SUPPLEMENTARY INFORMATION:

##### Previous Federal Actions

On November 15, 1991, we proposed to list the Kanab ambersnail as an endangered species (56 FR 58020). The species' habitat was greatly reduced in size and the population declined, due to preparations for anticipated development. On April 17, 1992, we published a final rule listing the Kanab ambersnail as an endangered species (57 FR 13657), but as explained in that rule,