

(2), and (4) shall be submitted to the EPA at the frequency specified in those paragraphs in electronic portable document format (PDF) using the ECMP Client Tool. * * *

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■ 4. Appendix A to Subpart UUUUU is amended by:

- a. Revising section 4.1.1.5.2; and
- b. Revising the entry “RATA” in Table A–2.

The revised text reads as follows:

Appendix A to Subpart UUUUU of Part 63—Hg Monitoring Provisions

* * * * *

4. Certification and Recertification Requirements

* * * * *

4.1.1.5.2 Calculation of RATA Results.

Calculate the relative accuracy (RA) of the monitoring system, on a µg/scm basis, as described in section 12 of Performance Specification (PS) 2 in appendix B to part 60 of this chapter (see Equations 2–3 through

2–6 of PS 2). For purposes of calculating the relative accuracy, ensure that the reference method and monitoring system data are on a consistent basis, either wet or dry. The CEMS must either meet the main performance specification or the alternative specification in Table A–1 of this appendix.

* * * * *

5. Ongoing Quality Assurance (QA) and Data Validation

* * * * *

TABLE A–2—ON-GOING QA TEST REQUIREMENTS FOR HG CEMS

Perform this type of QA test	At this frequency	With these qualifications and exceptions	Acceptance criteria
RATA	Annual ⁴	<ul style="list-style-type: none"> • Test deadline may be extended for “non-QA operating quarters,” up to a maximum of 8 quarters from the quarter of the previous test. • 720 operating hour grace period available 	≤20.0% RA or $ RM_{avg} - C_{avg} + CC \leq 0.5 \mu\text{g}/\text{scm}$, if $RM_{avg} < 2.5 \mu\text{g}/\text{scm}$.

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⁴“Annual” means once every four QA operating quarters.

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[FR Doc. 2017–06884 Filed 4–5–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R05–OAR–2016–0277; FRL–9960–91–Region 5]

Reclassification of the Sheboygan, Wisconsin Area To Moderate Nonattainment for the 2008 Ozone National Ambient Air Quality Standards; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) published a final rule in the *Federal Register* on December 19, 2016, revising its regulations entitled “Designation of Areas for Air Quality Planning Purposes” for the 2008 ozone National Ambient Air Quality Standards (NAAQS). An error in the table for the Wisconsin 2008 8-Hour Ozone NAAQS

is identified and corrected in this action.

DATES: This final rule is effective on April 6, 2017.

FOR FURTHER INFORMATION CONTACT: Kathleen D’Agostino, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18)), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, dagostino.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION: EPA published a final rule document on December 19, 2016, (81 FR 91841) updating 40 CFR part 81, “Designation of Areas for Air Quality Planning Purposes” for the 2008 8-Hour Ozone NAAQS. This final rule included a revision to 40 CFR 81.350 reclassifying the Sheboygan, Wisconsin area (Sheboygan County) as “moderate” nonattainment for the 2008 ozone NAAQS. The entry for the Sheboygan County designated area in the Wisconsin-2008 8-Hour Ozone NAAQS (Primary and secondary) table erroneously indicated that the effective date of the classification is January 18, 2017 when, in fact, the effective date should have been December 19, 2016.

81 FR 91846. Therefore, the entry for the Sheboygan County area is being corrected to reflect the correct classification date.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 21, 2017.

Robert A. Kaplan,
Acting Regional Administrator, Region 5.

40 CFR part 81 is amended by the following correcting amendment:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. In § 81.350, the table entitled “Wisconsin-2008 8-Hour Ozone NAAQS (Primary and secondary)” is amended by revising the entry for “Sheboygan County, WI:” to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Sheboygan County, WI: ² Sheboygan County	*	Nonattainment	12/19/2016	Moderate.
* * * * *	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.
² Excludes Indian country located in each area, unless otherwise noted.

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[FR Doc. 2017-06888 Filed 4-5-17; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 495

[CMS-1656-F2]

RIN-0938-AS82

Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record (EHR) Incentive Programs; Payment to Nonexcepted Off-Campus Provider-Based Department of a Hospital; Hospital Value-Based Purchasing (VBP) Program; Establishment of Payment Rates Under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital; Correcting Amendment

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

ACTION: Correcting amendment.

SUMMARY: In the November 14, 2016 issue of the **Federal Register** (81 FR 79562), we published a final rule with comment period entitled “Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record (EHR) Incentive Programs; Payment to Nonexcepted Off-Campus Provider-

Based Department of a Hospital; Hospital Value-Based Purchasing (VBP) Program; Establishment of Payment Rates under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital” that made changes to the demonstration of meaningful use criteria under § 495.40. This correcting amendment corrects a technical error in § 495.40 resulting from an error in that final rule with comment period.

DATES: This correcting amendment is effective on April 6, 2017.

FOR FURTHER INFORMATION CONTACT: Electronic Health Record (EHR) Incentive Programs, contact Kathleen Johnson (410) 786-3295 or Steven Johnson (410) 786-3332.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2016-26515 of November 14, 2016 (81 FR 79562), “Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record (EHR) Incentive Programs; Payment to Certain Off-Campus Outpatient Departments of a Provider; Hospital Value-Based Purchasing (VBP) Program; Establishment of Payment Rates Under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital” (hereinafter referred to as the CY 2017 OPPS/ASC final rule with comment period), there was a technical error in the regulations text that is identified and corrected in this correcting amendment. The provisions of this correcting amendment are treated as if they had been included in the CY 2017 OPPS/ASC final rule with comment period.

II. Summary of Error in the Regulations Text

On page 79892 of the CY 2017 OPPS/ASC final rule with comment period, we made a technical error in an amendatory instruction. Accordingly, we are revising § 495.40(b)(2)(i)(G) to accurately reflect the language we previously included in the CY 2017 OPPS/ASC final rule with comment period (81 FR 79892), but which was not codified in the Code of Federal Regulations. Specifically, paragraph (b)(2)(i)(G) specifies that for CY 2018, an eligible hospital or critical access hospital (CAH) must satisfy certain required objectives and associated measures if an eligible hospital or CAH attests to CMS or to a State for the Medicaid Electronic Health Record (EHR) Incentive Program.

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. Similarly, section 1871(b)(1) of 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. In addition, section 553(d) of the APA, and section 1871(e)(1)(B)(i) 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 provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act as well. 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