

described below of national security-controlled items.

*License Exceptions:* The waiver covers exports and reexports of national security-controlled items to Russia that are eligible for License Exception TMP (Temporary Imports, Exports, and Reexports); License Exception GOV (Governments, International Organizations, and International Inspections under the Chemical Weapons Convention); License Exception BAG (Baggage); License Exception AVS (Aircraft and Vessels); and License Exception ENC (Encryption Commodities and Software). See Sections 740.9 (TMP), 740.11 (GOV), 740.14 (BAG), 740.15 (AVS), or 740.17 (ENC) of the EAR.

*Safety of Flight:* The waiver covers exports and reexports to Russia of national security-controlled items pursuant to licenses necessary for the safety of flight of civil fixed-wing passenger aviation. License applications for such transactions will be reviewed consistent with export licensing policy for Russia prior to the date of this document. See Section 742.4(b)(7) of the EAR.

*Deemed Exports/Reexports:* The waiver covers exports and reexports of national security-controlled items pursuant to licenses for deemed exports and reexports to Russian nationals. License applications for such transactions will be reviewed consistent with export licensing policy for Russia prior to the date of this document. See Section 742.4(b)(7) of the EAR.

*Wholly-Owned U.S. and Other Foreign Subsidiaries:* The waiver covers exports and reexports of national security-controlled items pursuant to licenses to wholly-owned U.S. subsidiaries and other foreign subsidiaries of U.S. companies that are located in Russia. License applications for such transactions will be reviewed consistent with export licensing policy for Russia prior to the date of this document. See Section 742.4(b)(7) of the EAR.

*Commercial Space Flight:* The waiver covers exports and reexports to Russia of national security-controlled items in support of commercial space launch activities. License applications for such transactions will be reviewed consistent with the export licensing policy for Russia prior to the date of this document until September 1, 2021, after which date this waiver provision will expire and license applications will be reviewed under a presumption of denial. See Section 742.4(b)(7) of the EAR.

*Government Space Flight:* The waiver covers exports and reexports to Russia

of national security-controlled items subject to the EAR in support of government space cooperation. License applications for such transactions will be reviewed consistent with the export licensing policy for Russia prior to the date of this document. See Section 742.4(b)(7) of the EAR.

*Other Russia-related licensing considerations:* BIS has also identified Parties with ties to Russia's chemical and biological weapons program in additions to the Entity List published in the **Federal Register** (see 85 FR 52898, Aug. 27, 2020 and Addition of Certain Entities to the Entity List; Correction of Existing Entries on the Entity List published on March 8, 2021, in the **Federal Register** (see 86 FR 13179)).

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 2021-05488 Filed 3-17-21; 8:45 am]

**BILLING CODE 3510-33-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**42 CFR Parts 400, 410, 414, 415, 423, 424, and 425**

[CMS-1734-F, CMS-1734-IFC, CMS-1744-F, CMS-5531-F and CMS-3401-IFC] CN

**RIN 0938-AU10, 0938-AU31, 0938-AU32, and 0938-AU33**

**Medicare Program; CY 2021 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Medicaid Promoting Interoperability Program Requirements for Eligible Professionals; Quality Payment Program; Coverage of Opioid Use Disorder Services Furnished by Opioid Treatment Programs; Medicare Enrollment of Opioid Treatment Programs; Electronic Prescribing for Controlled Substances for a Covered Part D Drug; Payment for Office/Outpatient Evaluation and Management Services; Hospital IQR Program; Establish New Code Categories; Medicare Diabetes Prevention Program (MDPP) Expanded Model Emergency Policy; Coding and Payment for Virtual Check-In Services Interim Final Rule Policy; Coding and Payment for Personal Protective Equipment (PPE) Interim Final Rule Policy; Regulatory Revisions in Response to the Public Health Emergency (PHE) for COVID-19; and Finalization of Certain Provisions From the March 31st, May 8th and September 2nd Interim Final Rules in Response to the PHE for COVID-19; Correction**

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

**ACTION:** Final rule and interim final rule; correction.

**SUMMARY:** This document corrects technical errors in the final rule that appeared in the December 28, 2020, **Federal Register** entitled, "Medicare Program; CY 2021 Payment Policies under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Medicaid Promoting Interoperability Program Requirements for Eligible Professionals; Quality Payment Program; Coverage of Opioid Use Disorder Services Furnished by Opioid Treatment Programs; Medicare Enrollment of Opioid Treatment Programs; Electronic

Prescribing for Controlled Substances for a Covered Part D Drug; Payment for Office/Outpatient Evaluation and Management Services; Hospital IQR Program; Establish New Code Categories; Medicare Diabetes Prevention Program (MDPP) Expanded Model Emergency Policy; Coding and Payment for Virtual Check-in Services Interim Final Rule Policy; Coding and Payment for Personal Protective Equipment (PPE) Interim Final Rule Policy; Regulatory Revisions in Response to the Public Health Emergency (PHE) for COVID-19; and Finalization of Certain Provisions from the March 31st, May 8th and September 2nd Interim Final Rules in Response to the PHE for COVID-19” (hereinafter referred to as the CY 2021 PFS final rule).

**DATES:** This correction is effective March 18, 2021, and is applicable beginning January 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** Terri Plumb, (410) 786-4481, Gaysha Brooks, (410) 786-9649, or Annette Brewer (410) 786-6580.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2020-26815 of December 28, 2020, the CY 2021 PFS final rule (85 FR 84472), there were technical errors that are identified and corrected in this correcting document. These corrections are effective and applicable beginning January 1, 2021.

**II. Summary of Errors**

*A. Summary of Errors in the Preamble*

On page 84503, in the Medicare telehealth services list, due to a typographical error, the CPT code is incorrect.

On page 84513 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, we inadvertently included CPT code 96121.

On page 84516 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, we inadvertently included CPT codes 99221, 99222, and 99223.

On page 84560 in Table 23: CY 2020 Work RVUs and CY 2021 Final Work RVUs, we inadvertently included CPT codes 99492 and 99493 and inadvertently omitted HCPCS codes G2211 and G2212. There were no changes made to the work RVUs for CPT codes 99492 and 99493 in this final rule.

On page 84562 in Table 24: Comparison of Physician Time, and Clinical Staff Time (Non-facility and Facility) for HCPCS Codes, CY 2020 Values vs. 2021 Final Values, we

inadvertently included CPT codes 99492 and 99493 and inadvertently omitted HCPCS Codes G2211 and G2212.

On page 84665 in Table 28: CY 2021 Work RVUs for New, Revised and Potentially Misvalued Codes, due to a typographical error, we inadvertently included the incorrect descriptor for HCPCS code G2216.

*B. Summary and Correction of Errors in the Addenda on the CMS Website*

Due to a technical change that was applied in error to the indirect practice expense (PE) allocation for HCPCS codes G2082 and G2083 in the final rule, the Addendum B posted on the CMS website contained errors for the Non-Facility PE RVUs, Facility PE RVUs, Total Non-Facility RVUs, and the Total Facility RVUs. Specifically, we assigned an incorrect physician specialty in our ratesetting process to the predecessor codes for HCPCS codes G2082 and G2083 in the CY 2020 PFS final rule and CY 2021 PFS proposed rule. We intended to correct the assigned physician specialty for these codes in the CY 2021 PFS final rule; however, we neglected to discuss this correction in the course of PFS rulemaking for CY 2021. Since this technical change was applied in the CY 2021 PFS final rule, but was not discussed in the course of PFS rulemaking for CY 2021, we are removing this change for the 2021 calendar year, retroactive to January 1, 2021. The Non-Facility PE RVUs, Facility PE RVUs, Total Non-Facility RVUs, and Total Facility RVUs that resulted from the correction of this error are reflected in the revised CY 2021 Addendum B available on the CMS website at <https://www.cms.gov/medicare/medicare-fee-service-payment/physicianfeeschedpfs-federal-regulation-notices/cms-1734-f>. Specifically, we are correcting the following:

1. In Addendum B—Relative Value Units and Related Information Used in the CY 2021 PFS final rule, line 12615 for CPT/HCPCS code G2082, Visit esketamine 56m or less,

a. Seventh column, the Non-Facility PE RVUs the value “17.68” is corrected to read “24.06”.

b. Eighth column, the Facility PE RVUs the value “0.17” is corrected to read “0.27”.

c. Tenth column, Total Non-Facility RVUs the value “18.43” is corrected to read “24.81”.

d. Eleventh column, Total Facility RVUs the value “0.92” is corrected to read “1.02”.

2. In Addendum B—Relative Value Units and Related Information Used in the CY 2021 PFS final rule, line 12616 for CPT/HCPCS G2083 for Visit esketamine, >56m,

a. Seventh column the Non-Facility PE RVUs the value “25.54” is corrected to read “34.72”.

b. Eighth column the Facility PE RVUs the value “0.17” is corrected to read “0.27”.

c. Tenth column, Total Non-Facility RVUs the value “26.29” is corrected to read “35.47”.

d. Eleventh column Total Facility RVUs the value “0.92” is corrected to read “1.02”.

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

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (the 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 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. 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 APA notice and comment, and delay in effective date 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 notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors in the CY 2021 PFS final rule. The corrections contained in this document are consistent with, and

do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and comment procedures, and adopted in the CY 2021 PFS final rule. As a result, the corrections made through this correcting document are intended to resolve inadvertent errors so that the CY 2021 PFS final rule accurately reflects the policies adopted in the final rule. Even if this were a rulemaking to which the notice and comment 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 CY 2021 PFS final rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects our policies as of the

date they take effect. Further, such procedures would be unnecessary because we are not making any substantive revisions to the final rule, but rather, we are simply correcting the **Federal Register** document to reflect the policies that we previously proposed, received public comment on, and subsequently finalized in the CY 2021 PFS final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

**IV. Correction of Errors**

In FR Doc. 2020–26815 (85 FR 84472), published December 28, 2020, make the following corrections:

*A. Correction of Errors in the Preamble*

1. On page 84503, second column, third bullet, third line, the number “994780” is corrected to read “99478”.

2. On page 84513 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, the second column, the third row, is corrected by removing the listing for HCPCS code 96121 in the second and third columns.

3. On page 84516 in Table 14: Final Services for Temporary Addition to the Medicare Telehealth Services List, the second column, the second, third, and fourth rows are corrected by removing the listings for HCPCS codes 99221, 99222, and 99223 in the second and third columns.

4. On page 84560, Table 23: CY 2020 Work RVUs and CY 2021 Final Work RVUs, is corrected by removing CPT codes 99492 and 99493 and adding rows for HCPCS codes G2211 and G2212 to read as follows:

HCPCS code	Long descriptor	CY 2020 work RVUs	Final CY 2021 work RVUs
G2211 .....	Visit complexity inherent to evaluation and management associated with medical care services that serve as the continuing focal point for all needed health care services and/or with medical care services that are part of ongoing care related to a patient’s single, serious condition or a complex condition. (Add-on code, list separately in addition to office/outpatient evaluation and management visit, new or established).	N/A	0.33
G2212 .....	Prolonged office or other outpatient evaluation and management service(s) beyond the maximum required time of the primary procedure which has been selected using total time on the date of the primary service; each additional 15 minutes by the physician or qualified healthcare professional, with or without direct patient contact (List separately in addition to CPT codes 99205, 99215 for office or other outpatient evaluation and management services). (Do not report G2212 on the same date of service as 99354, 99355, 99358, 99359, 99415, 99416). (Do not report G2212 for any time unit less than 15 minutes).	N/A	0.61

5. On page 84562, Table 24: Comparison of Physician Time, and Clinical Staff Time (Non-facility and

Facility) for HCPCS Codes, CY 2020 Values vs. 2021 Final Values, is corrected by removing CPT codes 99492

and 99493 and adding rows for HCPCS codes G2211 and G2212 to read as follows:

HCPCS	Phys. time (minutes)—CY 2020	Phys. time (minutes)—CY 2021 final	NF clinical staff time (minutes)—CY 2020	NF clinical staff time (minutes)—CY 2021 final	Fac. clinical staff time (minutes)—CY 2020	Fac. clinical staff time (minutes)—CY 2021 final
G2211 .....	11	11	0	0	0	0
G2212 .....	15	15	2	2	0	0

6. On page 84665 in Table 28: CY 2021 Work RVUs for New, Revised and Potentially Misvalued Codes, the second column, the third row, the phrase "Take-home supply of auto-injector naloxone" is corrected to read "Take-home supply of injectable naloxone".

Dated: March 12, 2021.

**Wilma M. Robinson,**

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

[FR Doc. 2021-05548 Filed 3-16-21; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 210312-0054]

RIN 0648-BK15

#### Fisheries Off West Coast States; Emergency Action to Temporarily Extend the Primary Sablefish Fishery Season; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Correcting amendment.

**SUMMARY:** This action corrects the regulations governing the West Coast Sablefish Primary fishery after the expiration of the emergency rule to temporarily extend the 2020 season for the Sablefish Primary fishery. The amendatory instructions for the temporary rule were written incorrectly so that when the temporary rule expired, important regulations were removed and reserved rather than reinstated correctly. These corrections are necessary so the regulations accurately implement the Pacific Fishery Management Council's intent.

**DATES:** This correction is effective March 18, 2021.

**FOR FURTHER INFORMATION CONTACT:** Colin Sayre, phone: (206) 526 4656 or email: [colin.sayre@noaa.gov](mailto:colin.sayre@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS published a temporary emergency rule on October 27, 2020 (85 FR 68001), that extended the season length for the West Coast Sablefish Primary fishery. The temporary rule extended the season close date from October 31 to December 31 for the 2020 fishing year, based on a recommendation from the Pacific Fishery Management Council (the Council) during its September 2020

meeting. The temporary rule expired at noon on December 31, 2020. After expiration of the temporary rule, NMFS noted the need for two corrections.

#### Corrections

This action corrects the regulations governing the West Coast Sablefish Primary fishery. The season dates for the sablefish primary fishery have historically run from April 1 until October 31 and were established in regulations under Amendment 14 to the Pacific Coast Groundfish Fishery Management Plan (August 7, 2001; 66 FR 41152). The amendatory instructions for the temporary rule (October 27, 2020; 85 FR 68001) were written incorrectly so that when the temporary rule expired, two important regulations were reserved rather than reinstated correctly. Specifically, the season dates codified at § 660.231(b)(1) were inadvertently removed and reserved. This correction will reinstate that paragraph which sets out the season dates for this fishery. The reinstated season dates are April 1 to October 31.

Additionally, NMFS inadvertently removed and reserved a paragraph referring to the season dates for the primary sablefish fishery at § 660.213(d)(2) as part of the recordkeeping and reporting requirements for the fishery. This correction will reinstate that paragraph.

These two corrections are consistent with the Council action to extend the season length for the West Coast Sablefish Primary fishery temporarily for the 2020 fishing year, and are needed to correctly implement the intent of the Council's recommendation in September 2020. The substance of the text is unchanged from what was in existing regulations prior to the October 27, 2020 temporary rule.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to public interest. Notice and comment are unnecessary and contrary to the public interest because this action corrects inadvertent errors related to the October 27, 2020 temporary rule. Immediate correction of the errors is necessary to prevent confusion among participants in the fishery that could result in issues with enforcement of season dates for the fishery. To effectively correct the errors, the changes in this action must be effective upon publication as the fishery will begin on April 1, 2021. Thus, there

is not sufficient time for notice and comment. In addition, notice and comment is unnecessary because this correcting amendment reinstates previously established regulations and corrects inadvertent errors related to the October 27, 2020 temporary rule. These corrections will not affect the results of analyses conducted to support management decisions in the Pacific coast groundfish fishery. No change in operating practices in the fishery is required.

For the same reasons stated above, the AA has determined good cause exists to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d). This correcting amendment reinstates season dates in previously established regulations that should have been reinstated following expiration of the October 27 temporary rule. Delaying effectiveness of these corrections would result in conflicts in the regulations and confusion among fishery participants. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This final rule is not significant under Executive Order 12866.

#### List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian Fisheries.

Dated: March 12, 2021.

**Samuel D. Rauch, III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 660 is corrected by making the following correcting amendments:

#### PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.213(d)(2), add paragraph (d)(2) to read as follows:

#### § 660.213 Fixed gear fishery—recordkeeping and reporting.

\* \* \* \* \*

(d) \* \* \*

(2) For participants in the sablefish primary season, the cumulative limit period to which this requirement