

**FOR FURTHER INFORMATION CONTACT:**

*ESRDPayment@cms.hhs.gov*, for issues related to the ESRD PPS and coverage and payment for renal dialysis services furnished to individuals with AKI.

*ESRDApplications@cms.hhs.gov*, for issues related to the Transitional Add-On Payment Adjustment for New and Innovative Equipment and Supplies (TPNIES).

Delia Houseal, (410) 786-2724, for issues related to the ESRD QIP.

*ETC-CMMI@cms.hhs.gov*, for issues related to the ESRD Treatment Choices (ETC) Model.

**SUPPLEMENTARY INFORMATION:****I. Background**

In FR Doc. 2021-23907 of November 8, 2021 (86 FR 61874), there was a typographic error that is identified and corrected by the Correction of Errors section below. The correction in this document is effective as if it had been included in the document published November 8, 2021. Accordingly, the correction is effective January 1, 2022.

**II. Summary of Error**

On page 61874, in the third sentence of the first column, we inadvertently left the number “412” in the CFR citation at the top of the document. Therefore, the number “412” should be deleted.

**III. Waiver of Proposed Rulemaking**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

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. This document corrects a typographic error and does not make

substantive changes to the policies or payment methodologies that were adopted in the final rule. Thus, this correcting document is intended to ensure that the information is accurately reflected 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 correction in this document into the calendar year (CY) 2022 End-Stage Renal Disease (ESRD) Prospective Payment System (PPS) final rule or delaying the effective date of the correction 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 2022 ESRD PPS 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. 2021-23907 of November 8, 2021 (86 FR 61874), make the following correction:

On page 61874, in the first column; in the third sentence, remove the number “412” from the CFR citation.

**Karuna Seshasai,**

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

[FR Doc. 2021-26914 Filed 12-13-21; 8:45 am]

**BILLING CODE 4120-01-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 54**

**[WC Docket No. 21-93; DA 21-1499; FR ID 61508]**

**Establishing Emergency Connectivity Fund To Close the Homework Gap**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Wireline Competition Bureau (the Bureau) grants a petition for an expedited waiver of the Emergency

Connectivity Fund (ECF) Program’s invoice filing deadline submitted by the State E-rate Coordinators’ Alliance (SECA) and clarifies the service delivery date for certain funding requests.

**DATES:** Effective December 14, 2021.

**FOR FURTHER INFORMATION CONTACT:** For further information, please contact Gabriela Gross, Telecommunications Access Policy Division, Wireline Competition Bureau, at *gabriela.gross@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Order in WC Docket No. 21-93; DA 21-1499, adopted and released on December 2, 2021. The full text of this document is available for public inspection on the Commission’s website at <https://www.fcc.gov/document/wcb-waives-ecf-invoice-deadline-and-clarifies-service-delivery-date>.

**Synopsis****I. Introduction**

1. In the Order, the Bureau grants a petition for an expedited waiver of the ECF Program’s invoice filing deadline submitted by SECA. Specifically, and subject to the limitations stated in the Order, the Bureau waives §§ 54.1711(d) and (e) of the Commission’s rules to provide relief to applicants that: (a) Applied for ECF funding during the first or second application filing windows; (b) incorrectly used June 30, 2022 as the service delivery date on their ECF FCC Form 471 applications for equipment and/or other non-recurring services, rather than the actual service delivery date; and (c) received a funding commitment decision letter (FCDL) or revised funding commitment decision letter (RFCDL) noting August 29, 2022 as the invoice filing deadline based on the incorrect service delivery date (Affected Program Participants).

2. Accordingly, the Bureau directs the Universal Service Administrative Company (USAC), the Administrator of the ECF Program, to continue to use the August 29, 2022 invoice filing deadline noted on the Affected Program Participants’ FCDLs and RFCDLs and allow them to submit their requests for reimbursement on or before this date. To the extent other applicants incorrectly used June 30, 2022 as the service delivery date for equipment and/or non-recurring services, rather than the actual delivery date, but have not yet received an FCDL or RFCDL with an invoice filing deadline, the Bureau directs USAC to use June 30, 2022 as the service delivery date for these requests. The Bureau also extends this relief to service providers that agreed to file requests for reimbursement on behalf of

these applicants. Going forward, to avoid confusion and for administrative ease, the Bureau clarifies that the service delivery date for all requests for equipment, other non-recurring services, and recurring services submitted in any filing window covering funding for purchases made between July 1, 2021 and June 30, 2022 is June 30, 2022 (*i.e.*, the last date of the funding period) and modifies this procedural rule accordingly.

## II. Discussion

3. Generally, the Commission's rules may be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

4. Given the confusion around the appropriate service delivery date to use for equipment and other non-recurring services, and the reliance on an incorrect invoice filing deadline as a result, the Bureau finds that granting a limited waiver of the invoice filing deadline for the Affected Program Participants is appropriate and allows them to submit their requests for reimbursement by August 29, 2022. Although the Bureau's *Public Notice*, 86 FR 41408, August 2, 2021, established June 30, 2022 as the service delivery date for equipment and other non-recurring services *if* the equipment or services had not yet been ordered or received at the time of the applicant's funding request submission, some applicants mistakenly used this date as the service delivery date despite having already received the equipment and/or services at the time of their filing, resulting in USAC's issuance of FCDLs and RFCDLs with an incorrect invoice filing deadline of August 29, 2022 (*i.e.*, 60 days after June 30, 2022), rather than an earlier filing deadline based on their actual service delivery date. As a result, these applicants may not know that their requests for reimbursement are in fact due before August 29, 2022, and their requests for reimbursement will be denied as untimely without the Bureau's action.

5. Moreover, a waiver of the invoice filing deadline will not lead to any undue advantage in funding as the Affected Program Participants will not receive more funding than that allowed under the ECF Program rules, and the equipment and services have already been delivered. In addition, the Bureau

finds that the public interest would not be served were these Affected Program Participants to lose ECF funding for equipment and services needed to connect students, school staff, and library patrons during this unprecedented time.

6. The Bureau therefore directs USAC to continue to use the August 29, 2022 invoice filing deadline noted on the FCDLs and RFCDLs and allow the Affected Program Participants to submit their requests for reimbursement on or before this date. To the extent other applicants incorrectly used June 30, 2022 as the service delivery date for equipment and/or other non-recurring services despite having already received them at the time of their application filing, but have not yet received an FCDL or RFCDL, the Bureau directs USAC to use June 30, 2022 as the service delivery date for these requests. The Bureau also extends this relief to service providers that agreed to file requests for reimbursement on behalf of these applicants.

7. To avoid confusion and minimize administrative burdens, for the first two application filing windows and any subsequent window the Commission may open for eligible purchases made between the same period (*i.e.*, July 1, 2021 through June 30, 2022), the Bureau allows applicants to use June 30, 2022 (*i.e.*, the last date of the funding period) as the service delivery date for all funding requests for equipment, other non-recurring services, and recurring services submitted during these windows. The Bureau takes this action solely for purposes of establishing an invoice filing deadline for these funding requests and streamlining the process for program participants. The Bureau modifies § 54.1711(e) accordingly as reflected in the following. The Bureau makes these changes without notice and comment in accordance with the exception to the Administrative Procedure Act (APA) for procedural rules. The updated rule will become effective upon publication of the Order in the **Federal Register**.

8. In granting the requested relief, the Bureau emphasizes that the Order does not alter the obligation of ECF Program participants to comply with the Commission's rules, including their obligation to certify to receipt of eligible equipment and/or services on their ECF FCC Forms 472 and 474 (*i.e.*, the requests for reimbursement). Nor does it impact funding requests for construction of new networks, and the Bureau reminds applicants seeking support for future construction that they have one year from the date of a funding

commitment decision to show that construction is completed and services have been provided. The Bureau also remind applicants that, unlike E-Rate program rules, ECF Program rules do not permit any invoice filing extensions. For this reason, any ECF Program participant that requires additional time to submit their requests for reimbursement beyond the relief granted herein must file a request for waiver directly with the Commission and demonstrate good cause.

9. Finally, the Bureau finds no evidence of waste, fraud, or abuse presented by waiving the invoice filing deadline. The Bureau emphasizes that the Commission is committed to guarding against waste, fraud, and abuse and ensuring that funds disbursed through the ECF Program are used for appropriate purposes. Although the Bureau grants a waiver of the Commission's invoice filing deadline for the ECF Program, this action does not affect the authority of the Commission or USAC to conduct audits or investigations to determine compliance with ECF Program rules and requirements.

## III. Ordering Clauses

10. *Accordingly, it is ordered*, pursuant to the authority contained in sections 1–4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154 and 254, and §§ 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR 0.91, 0.291, and 1.3, that 47 CFR 54.1711 of the Commission's rules *is waived* to the extent provided herein.

11. *It is further ordered*, that pursuant to § 1.102(b)(1) of the Commission's rules, 47 CFR 1.102(b)(1), this Order *shall be effective* upon release.

12. The amended rule adopted in the Order and contained in the following constitutes a rule of agency organization, procedure and practice and is not subject to the APA requirements pursuant to 5 U.S.C. 553(b)(3)(A). Accordingly, this amended rule is *effective* upon publication in the **Federal Register**.

### List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, Internet, Libraries, Puerto Rico, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone, Virgin Islands.

Federal Communications Commission.

**Cheryl Callahan**

*Assistant Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

**PART 54—UNIVERSAL SERVICE**

■ 1. The authority citation for part 54 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, 1302, and 1601–1609, unless otherwise noted.

■ 2. Amend 54.1711 by revising paragraph (e) to read as follows:

**§ 54.1711 Emergency Connectivity Fund requests for reimbursement.**

\* \* \* \* \*

(e) *Service delivery date.* For the initial filing window set forth in § 54.1708(b) and any subsequent filing windows covering funding for purchases made between July 1, 2021 and June 30, 2022, the service delivery date for equipment, other non-recurring services, and recurring services is June 30, 2022.

[FR Doc. 2021–26921 Filed 12–13–21; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 200124–0029; RTID 0648–XB632]

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2022 Red Snapper Private Angling Component Closures in Federal Waters Off Texas**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces a closure for the 2022 fishing season for the red snapper private angling component in the exclusive economic zone (EEZ) off Texas in the Gulf of Mexico (Gulf) through this temporary rule. The red snapper recreational private angling component in the Gulf EEZ off Texas will close on January 1, 2022, until

12:01 a.m., local time, on June 1, 2022. This closure is necessary to prevent the private angling component from exceeding the Texas regional management area annual catch limit (ACL) and to prevent overfishing of the Gulf red snapper resource.

**DATES:** This closure is effective at 12:01 a.m., local time, on January 1, 2022, until 12:01 a.m., local time, on June 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *Kelli.ODonnell@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: The private angling component, and the Federal for-hire component (80 FR 22422, April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. On February 6, 2020, NMFS implemented Amendments 50A–F to the FMP, which delegated authority to the Gulf states (Louisiana, Mississippi, Alabama, Florida, and Texas) to establish specific management measures for the harvest of red snapper in Federal waters of the Gulf by the private angling component of the recreational sector (85 FR 6819, February 6, 2020). These amendments allocate a portion of the private angling ACL to each state, and each state is required to constrain landings to its allocation.

As described at 50 CFR 622.23(c), a Gulf state with an active delegation may request that NMFS close all, or an area of, Federal waters off that state to the harvest and possession of red snapper by private anglers. The state is required to request the closure by letter to NMFS, providing dates and geographic coordinates for the closure. If the request is within the scope of the analysis in Amendment 50A, NMFS publishes a notification in the **Federal Register** implementing the closure for the fishing year. Based on the analysis in Amendment 50A, Texas may request

a closure of all Federal waters off the State to allow a year-round fishing season in State waters. As described at 50 CFR 622.2, “off Texas” is defined as the waters in the Gulf west of a rhumb line from 29°32.1' N lat., 93°47.7' W long, to 26°11.4' N lat., 92°53' W long., which line is an extension of the boundary between Louisiana and Texas.

On December 3, 2021, NMFS received a request from the Texas Parks and Wildlife Department (TPWD) to close the EEZ off Texas to the red snapper private angling component during the 2022 fishing year. Texas requested that the closure be effective from January 1 through May 31, 2022. NMFS has determined that this request is within the scope of analysis contained within Amendment 50A, which analyzed the potential impacts of a closure of all Federal waters off Texas, consistent with Texas's intent to maintain a year-round fishing season in State waters during which a part of Texas' ACL could be caught.

Therefore, the red snapper recreational private angling component in the Gulf EEZ off Texas will close at 12:01 a.m., local time, on January 1, 2022, until 12:01 a.m., local time, on June 1, 2022. This closure applies to all private-anglers (those on board vessels that have not been issued a valid charter vessel/headboat permit for Gulf reef fish) regardless of which state they are from or where they intend to land. Once the EEZ off Texas opens on June 1, 2022, TPWD will continue to monitor private recreational landings, and if necessary, will request that NMFS again close the EEZ in 2022 to ensure the Texas regional management area ACL is not exceeded.

On and after the effective dates of this closure in the EEZ off Texas, the harvest and possession red snapper in the EEZ off Texas by the private angling component is prohibited and the bag and possession limits for the red snapper private angling component in the closed area is zero.

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.23(c), which was issued pursuant to 304(b), and is exempt from review under Executive Order 12866, and other applicable laws.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the area closure authority