I. Background

In FR Doc. 2016–18196 (81 FR 52056 through 52141), the final rule entitled, “Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2017,” hereinafter referred as the FY 2017 IRF PPS final rule, there were typographical errors that are identified and corrected in this correcting document. The correction is applicable as of August 30, 2016.

II. Summary of Errors in the Preamble

On page 52118 of the FY 2017 IRF PPS final rule, we inadvertently included a reference to Table 10 instead of Table 11.

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This document merely corrects typographical errors in the final rule that appeared in the August 5, 2016 Federal Register entitled, “Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2017; Correction”.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

CMS–1647–CN

RIN 0938–AS78

Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2017; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical errors in the final rule that appeared in the August 5, 2016 Federal Register entitled, “Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2017”.

DATES: The final rule published August 5, 2016 (81 FR 52056 through 52141) is corrected as of August 30, 2016.

FOR FURTHER INFORMATION CONTACT: Christine Grose, (410) 786–1362.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2016–18196 (81 FR 52056 through 52141), the final rule entitled, Federal Register and provide a period for public comment 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)(ii) 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 our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects typographical errors in the preamble of the FY 2017 IRF PPS 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 adopted subject to notice and comment procedures in the FY 2017 IRF PPS final rule. As a result, the correction made through this correcting document is intended to resolve inadvertent typographical errors.

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 FY 2017 IRF PPS 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
the our policies as of the date they take effect and are applicable. Further, such procedures would be unnecessary, because we are not making any substantive revision to the final rule, but rather, we are simply correcting the Federal Register document to reflect the correct table references in the footnotes. 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 the Preamble

In FR Doc. 2016–18196 (81 FR 52056), published August 5, 2016, make the following corrections:

1. On page 52118,
   a. In the second column, in the second full paragraph, line 11, the reference “Table 10” is corrected to read “Table 16”.
   b. In the second column, in the first partial paragraph, line 2, the reference “Table 10” is corrected to read “Table 11”.
   c. In the first partial paragraph, line 3, the reference “Table 10” is corrected to read “Table 11”.
   d. In the second column, in the second partial paragraph, line 37, the reference “Table 10” is corrected to read “Table 12”.
   e. In the second column, in the second paragraph, line 42, the reference “Table 10” is corrected to read “Table 12”.
   f. In the second column, in the second paragraph, line 53, the reference “Table 10” is corrected to read “Table 13”.

2. On page 52119,
   a. In the first partial paragraph, line 1, the reference “Table 10” is corrected to read “Table 11”.
   b. In the second partial paragraph, line 2, the reference “Table 10” is corrected to read “Table 11”.
   c. In the second partial paragraph, line 3, the reference “Table 10” is corrected to read “Table 11”.

3. On page 52120,
   a. In the third partial paragraph, line 1, the reference “Table 10” is corrected to read “Table 11”.
   b. In the third partial paragraph, line 2, the reference “Table 10” is corrected to read “Table 11”.

4. On page 52121, in the footnote to Table 16, the phrase “**As illustrated in Table 16” is corrected to read “***As illustrated in Table 10”.


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

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
43 CFR Parts 3100, 3110, and 3120

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This procedural rule amends certain provisions of the oil and gas regulations administered by the Bureau of Land Management (BLM) to recognize that the BLM is authorized to use either oral or internet-based auction procedures to conduct oil and gas lease sales under the Mineral Leasing Act of 1920, as amended (MLA). The changes made by this rule update the BLM’s regulations to be consistent with the National Defense Authorization Act for Fiscal Year (FY) 2015 (NDAA), which specifically granted the BLM the authority to use internet-based bidding for its competitive oil and gas lease sales.

DATES: This rule is effective on August 31, 2016.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Jullly McQuilliams, Senior Mineral Leasing Specialist, by telephone at 202–912–7156, or by email to jmcquilliams@blm.gov. For regulatory questions, contact Jennifer Noe, Division of Regulatory Affairs, by telephone at 202–912–7442, or by email to jnoe@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 to contact the above individuals during normal business hours. FIRS is available 24 hours a day, 7 days a week to receive a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:
I. Background

This rule makes minor amendments to the BLM regulations governing onshore oil and gas lease sales to make them consistent with existing statutory authority that allows the BLM to use either oral or internet-based auction procedures.

The MLA authorizes the Secretary of the Interior to lease federally owned deposits of oil and gas and the lands containing those deposits in the manner provided for in the Act. 30 U.S.C. 181–287. The Secretary has delegated responsibility for implementing that authority to the BLM. Prior to 2015, the BLM was authorized to conduct oil and gas lease sales using only oral auction methods. See 30 U.S.C. 226(b)(1) (“Lease sales shall be conducted by oral bidding.”). As a result, the BLM’s implementing regulations governing lease sales in 43 CFR parts 3100, 3110, and 3120, reference only oral auctions or oral bidding. See e.g., 43 CFR 3120.1–2, 3120.5–1. Under these regulations, parties interested in obtaining a Federal oil or gas lease were required to travel to the physical location of a BLM auction (normally the BLM State Office where the parcels being offered were located) in order to participate in person in the oral auction for the parcels being offered. Generally speaking, those sales were conducted by a BLM-contracted auctioneer who facilitated the auction in an escalating bid sequential manner. The lease sale would start with the auctioneer stating the minimum bid. Interested bidders would increase their bids until the highest bidder for each parcel prevailed and was ultimately awarded the parcel. See 30 U.S.C. 226(b)(1)(A); 43 CFR 3120.5–3(b).

Recognizing the costs associated with holding in-person oil and gas lease sales and the opportunities for increased efficiency provided by an internet-based system, Congress, in 2008, directed the Secretary of the Interior, through the BLM, to conduct an oil and gas leasing internet pilot program. Consolidated Appropriations Act, 2008, Public Law 110–161, Sec. 117, 121 Stat. 2120 (2007). Accordingly, the BLM conducted an internet-based auction pilot in 2009, offering parcels located on BLM-managed lands in Colorado to test the feasibility of internet-based lease sales. The purpose of the pilot was to evaluate the potential costs and benefits to the Federal Government and lease sale participants from using such a system. For this pilot, the BLM relied on a system that had been developed by a private entity.

As outlined in a subsequent report to Congress submitted in February 2012, which presented the results of the 2009 internet-based auction pilot, the BLM found that transitioning to internet-based lease sales would have immediate