

under **FOR FURTHER INFORMATION CONTACT.**

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**Mark Schultz,**

*Commissioner, Rehabilitation Services Administration. Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-HQ-OAR-2017-0548; FRL-10007-89-OAR]

#### Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards: Notice of Action Denying Petition for Reconsideration of Uinta Basin, Utah Designation

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of action denying petition for reconsideration.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice that it has responded to a petition for reconsideration of a rule published in the **Federal Register** on June 4, 2018 titled, “Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards,” that promulgated initial ozone air quality designations for certain areas in the United States. The August 3, 2018, petition, submitted on behalf of Patel Industrial Park, requested that the EPA reconsider the nonattainment designation for the Uinta Basin, Utah area. The petition also

requested that the EPA stay the designation rule as it applies to the Uinta Basin, Utah area, pending reconsideration. The EPA carefully considered the petition and supporting information, along with information contained in the rulemaking docket, in reaching its decision on the petition. The EPA denied the petition for reconsideration in a letter to the petitioner and the letter has been included in the rulemaking docket. The letter explains the EPA’s basis for the denial. Because the EPA denied the reconsideration request, the EPA also denied the stay request.

**DATES:** April 24, 2020.

**ADDRESSES:** Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-04, Research Triangle Park, NC 27711.

**FOR FURTHER INFORMATION CONTACT:** Carla Oldham, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-04, Research Triangle Park, NC 27711, phone number (919) 541-3347 or by email at: [oldham.carla@epa.gov](mailto:oldham.carla@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Where can I get copies of this document and other related information?

This **Federal Register** notice, the petition for reconsideration,<sup>1</sup> and the response letter to the petitioner are available in the docket that the EPA established for the rulemakings to promulgate the air quality designations for the 2015 ozone standards, under Docket ID No. EPA-HQ-OAR-2017-0548.

All documents in the docket are listed in the index at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. The EPA is temporarily suspending its Docket Center and Reading Room for public visitors to reduce the risk of transmitting COVID-

<sup>1</sup> Although the petitioner framed its request under Clean Air Act (CAA) section 307(d)(7)(B), that provision is not applicable here because the Agency action at issue was not promulgated under CAA section 307(d). Therefore, we are responding to the request as a petition to revise or modify the EPA’s final rule under the Administrative Procedure Act. Use of the term “petition for reconsideration” throughout this notice is solely to reflect the language used by the petitioner.

19. Written comments submitted by mail will be delayed and no hand deliveries will be accepted. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention, local area health departments, and our Federal partners so we can respond rapidly as conditions change regarding COVID-19.

In addition, the EPA has established a website for the ozone designations rulemakings at: <http://www.epa.gov/ozone-designations>. This **Federal Register** notice, the petition for reconsideration, and the response letter denying the petition are also available on this website along with other information relevant to the designation process.

#### II. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

The EPA’s action is a denial of an administrative petition requesting reconsideration of an aspect of a nationally applicable action, “Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards,” that is currently being challenged in the Court of Appeals for the District of Columbia Circuit.<sup>2</sup> To the extent a court finds the EPA’s action denying the administrative petition to be locally or regionally applicable, the EPA finds that the action is based on a determination of “nationwide scope or effect” within the meaning of CAA section 307(b)(1). The action addresses an administrative petition for the EPA to reconsider its previous action that designated 51 nonattainment areas, 1 unclassifiable

<sup>2</sup> *Clean Wisconsin v. EPA*, No. 18-1203 (D.C. Cir., August 1, 2018).

area, and numerous attainment/unclassifiable areas located in 32 states and the District of Columbia and 11 federal judicial circuits. This final action is also based on a common core of factual findings and analyses concerning the interaction between the EPA's June 4, 2018, ozone designations rulemaking and the EPA's Exceptional Event Rule, titled, "Treatment of Data Influenced by Exceptional Events" (81 FR 68216, October 3, 2016).

For these reasons, the action is nationally applicable or, alternatively, to the extent a court finds this action to be locally or regionally applicable, the Administrator has determined that the action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1). Thus, pursuant to CAA section 307(b), any petition for review of the final letter denying the petition for reconsideration from Patel Industrial Park must be filed in the Court of Appeals for the District of Columbia Circuit on or before June 23, 2020.

Andrew Wheeler,  
Administrator.

[FR Doc. 2020-08026 Filed 4-23-20; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 510

[CMS-5529-N]

RIN 0938-AU01

#### Medicare Program: Comprehensive Care for Joint Replacement Model Three-Year Extension and Changes To Episode Definition and Pricing; Extension of Comment Period

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** This document extends the comment period for the proposed rule titled "Medicare Program: Comprehensive Care for Joint Replacement Model Three-Year Extension and Changes to Episode Definition and Pricing" that was published in the February 24, 2020 **Federal Register**. The comment period for the proposed rule, which would end on April 24, 2020, is extended until June 23, 2020.

**DATES:** The comment period for the proposed rule (85 FR 10516) is extended

to 5 p.m., eastern daylight time, on June 23, 2020.

**ADDRESSES:** You may submit comments as outlined in the February 24, 2020 proposed rule (85 FR 10516). Please choose only one method listed.

**FOR FURTHER INFORMATION CONTACT:** Bobbie Knickman, (410) 786-4161. Heather Holsey, (410) 786-0028.

#### SUPPLEMENTARY INFORMATION:

*Inspection of Public Comments:* All comments received before the close of the comment period shall be made available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We will post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments.

In the February 24, 2020 **Federal Register** (85 FR 10516), we published a proposed rule titled "Medicare Program: Comprehensive Care for Joint Replacement Model Three-Year Extension and Changes to Episode Definition and Pricing." The February 2020 proposed rule solicited public comments on our proposals to revise certain aspects of the Comprehensive Care for Joint Replacement (CJR) model including the episode of care definition, the target price calculation, the reconciliation process, the beneficiary notice requirements and the appeals process. In addition, for proposed performance years 6 through 8, it would eliminate the 50 percent cap on gainsharing payments, distribution payments, and downstream distribution payments for certain recipients. This proposed rule would also extend the additional flexibilities provided to hospitals related to certain Medicare program rules consistent with the revised episode of care definition. Additionally, the proposed rule would allow time to test the proposed changes by extending the length of the CJR model for an additional 3 years, through December 31, 2023, for certain participant hospitals. Finally, it solicits comment on how we might best conceptualize and design a future bundled payment model focused on lower extremity joint replacements (LEJR) procedures performed in the ambulatory surgical center (ASC) setting and could involve shared financial accountability.

In the April 6, 2020 **Federal Register** (85 FR 19230), we published an interim final rule with comment period (IFC) in order to ensure continuity of CJR model

operations in participant hospitals during the public health emergency (PHE) for the COVID-19 pandemic so that we do not create any additional disruptions to the standard care procedures hospitals have in place during this challenging time, implementing a 3-month extension of CJR Performance Year 5, such that the end of Performance Year 5 is changed from December 31, 2020 to March 31, 2021. Additionally, the April 6, 2020 IFC amends the CJR extreme and uncontrollable circumstances policy to account for all participant hospitals affected by the PHE for the COVID-19 pandemic, such that for a fracture or non-fracture episode with a date of admission to the anchor hospitalization that is on or within 30 days before the date that the emergency period began or that occurs through the termination of the emergency period, actual episode payments are capped at the performance year target price determined for the applicable episode.

Further, we recognize that hospitals are focused on the COVID-19 pandemic. Given the challenges to the health care delivery system in responding to COVID-19 cases we want to be considerate of the medical community's ability to focus on reviewing the proposed rule and submitting comments given their current extraordinary focus on patient care during the COVID-19 pandemic. In order to maximize the opportunity for the public to provide meaningful input to CMS, we believe it is important to allow additional time for the public to prepare comments on the February 2020 proposed rule. Therefore, we are extending the comment period for the proposed rule by 60 days. This document announces the extension of the public comment period for the proposed rule, which will now end at 5 p.m., eastern daylight time, on June 23, 2020.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 14, 2020.

**Evell J. Barco Holland,**

*Federal Register Liaison, Department of Health and Human Services.*

[FR Doc. 2020-08717 Filed 4-23-20; 8:45 am]

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