

DEPARTMENT OF STATE

22 CFR Part 135

[Public Notice: 11807]

RIN 1400-AF52

Implementation of HAVANA Act of 2021

AGENCY: Department of State.

ACTION: Supplemental interim final rule.

SUMMARY: This document supplements the interim final rule (IFR) published by the Department of State (the Department) on June 30, 2022, implementing the HAVANA Act of 2021. The Act provides authority for the Secretary of State and other agency heads to provide payments to certain individuals who have incurred qualifying injuries to the brain. The Department is modifying one provision of the IFR relating to the Board certification of the physician who is required to assess and diagnose an individual's qualifying injury to the brain and who completes the DS-4316, "Eligibility Questionnaire for HAVANA Act Payments". The updated regulation provides that physicians may be certified by either the American Board of Psychiatry and Neurology (ABPN) or the American Board of Physical Medicine and Rehabilitation (ABPMR).

DATES: Effective August 15, 2022.

FOR FURTHER INFORMATION CONTACT: Susan Ware Harris, Senior Advisor, Health Incidents Response Task Force, 202-679-0127, HARuleInfo@state.gov.

SUPPLEMENTARY INFORMATION: The Department is amending the interim final rule that it published June 30, 2022 at 87 FR 38981. The text of the interim rule remains unchanged, except for certain provisions in § 135.3. The Department is providing that either physicians currently certified by the American Board of Psychiatry and Neurology (APBN) or the American Board of Physical Medicine and Rehabilitation (ABPMR) may assess an individual's qualifying injury to the brain and complete the DS-4316, "Eligibility Questionnaire for HAVANA Act Payments". The DS-4316 will also be modified to reflect this regulatory change.

The Department is publishing this Supplemental IFR both in response to public comments advocating for this addition and additional corroborative information from medical providers. The Department has consulted with officials at several prominent medical centers. Based on those inquiries, it appears that the majority of patients who have reported anomalous health

incidents were seen by either a neurologist certified by the American Board of Psychiatry and Neurology (ABPN) or by a physician certified by the American Board of Physical Medicine and Rehabilitation (ABPMR). The Department believes that it would be in the best interest of the public and affected community if, on the effective date of the IFR, part 135 provided that patients could be assessed by physicians currently certified by either ABPN or ABPMR.

The comment period for the IFR closed on August 1, 2022, and the Department will publish a final rule addressing the other relevant comments in the near future.

Regulatory Analyses

The regulatory analyses included in the IFR are adopted herein, supplemented by the following comments. With respect to the Administrative Procedure Act, this Supplemental IFR is a technical amendment to the IFR, which was a rule relating to public benefits and therefore exempt from the requirements of 5 U.S.C. 553. See 5 U.S.C. 553(a)(2). Since the IFR and this Supplemental IFR are exempt from the entirety of § 553 pursuant to § 553(a)(2), the provisions of § 553(d) do not apply. This Supplemental IFR will be in effect on August 15, 2022, with the IFR.

With respect to Executive Order 12866, the Office of Information and Regulatory Affairs has designed this Supplemental IFR "non-significant".

List of Subjects in 22 CFR Part 135

Federal retirees, Government employees, Health care.

Accordingly, for the reasons stated in the preamble, the Department of State amends 22 CFR part 135 as follows:

PART 135—IMPLEMENTATION OF THE HAVANA ACT OF 2021

■ 1. The authority citation for part 135 continues to read as follows:

Authority: 22 U.S.C. 2651a; 22 U.S.C. 2680b.

■ 2. Amend § 135.3 by revising paragraphs (a) through (c) and paragraph (e)(2) to read as follows:

§ 135.3 Eligibility for payments by the Department of State.

(a) The Department of State may provide a payment to covered individuals, as defined herein, if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified neurologist from the American Board of Psychiatry and Neurology (ABPN) or a physician

currently certified by the American Board of Physical Medicine and Rehabilitation (ABPMR), occurred on or after January 1, 2016, and while the individual was a covered employee of the Department.

(b) The Department of State may provide a payment to covered employees, as defined herein, if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified neurologist from the ABPN or a physician currently certified by the ABPMR, occurred on or after January 1, 2016, and while the employee was a covered employee of the Department.

(c) The Department of State may provide a payment to a covered dependent, if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified neurologist from the ABPN or a physician currently certified by the ABPMR, occurred on or after January 1, 2016, and the dependent's sponsor was a covered employee of the Department at the time of the dependent's injury.

* * * * *

(e) * * *

(2) Whether the Department of Labor (Workers' Compensation) has determined that the requestor has no reemployment potential, or the Social Security Administration has approved the requestor for Social Security Disability Insurance, or the requestor's ABPN-certified neurologist or ABPMR-certified physician has certified that the individual requires a full-time caregiver for activities of daily living, as defined by the Katz Index of Independence of Daily Living.

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Kevin E. Bryant,

Deputy Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2022-16968 Filed 8-5-22; 8:45 am]

BILLING CODE 4710-10-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 3 and 165

[Docket Number USCG-2022-0429]

Coast Guard Sector Guam; Sector Name Conforming Amendment

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive amendments to Coast Guard regulations in association with a change

in the Coast Guard's internal organization. These amendments reflect that U.S. Coast Guard Sector Guam has been renamed U.S. Coast Guard Forces Micronesia/Sector Guam. This rule will have no substantive effect on the regulated public.

DATES: This rule is effective August 9, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0429 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Sandra J. Miracle, U.S. Coast Guard; telephone 202-372-3851, email Sandra.J.Miracle@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AOR Area of responsibility
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
OFCO Operating Facility Change Order
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Several years ago, the Coast Guard recognized the need to increase force allocation to Sector Guam's area of responsibility and asset presence in Oceania. The multi-year review of Sector Guam's missions and engagements within the region highlighted that "Sector Guam" alone did not adequately capture the breadth and range of Coast Guard operations and relationships throughout the U.S. Territories of Guam and the Commonwealth of the Northern Mariana Islands, as well as the Compact of Free Association States in Micronesia. The Coast Guard has approved the name change to U.S. Coast Guard Forces Micronesia/Sector Guam in order to acknowledge the long standing commitment to Oceania partners and to reaffirm the multi-mission support that the Coast Guard provides to ensure safety at sea and enhanced maritime governance.

We did not publish a notice of proposed rulemaking (NPRM) before this final rule. The Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements under 5 U.S.C. 553(b)(A) because the changes it makes are conforming amendments involving agency

organization. The Coast Guard also finds good cause exists under 5 U.S.C. 553(b)(B) for not publishing an NPRM because the changes will have no substantive effect on the public, and notice and comment are therefore unnecessary. For the same reasons, the Coast Guard finds good cause under 5 U.S.C. 553(d)(3) to make the rule effective fewer than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 14 U.S.C. 504(a)(2), as delegated at 33 CFR 1.05-1(h), to issue regulations necessary to implement technical, organizational, and conforming amendments and corrections to rules, regulations, and notices.

On February 28, 2022, the Coast Guard changed the official unit name of U.S. Coast Guard Sector Guam to U.S. Coast Guard Forces Micronesia/Sector Guam. See Operating Facility Change Order (OFCO) No. 012-22, which is available in the docket for this rule. The previous name of Sector Guam is described and reflected in regulations, which also contain contact details and other references to Sector Guam. These conforming amendments update those regulations so that they contain current information.

Under 14 U.S.C. 504(a)(2), the Commandant of the Coast Guard has authority to establish and prescribe the purpose of Coast Guard Shore establishments. This authority has been delegated to the Chief of the Coast Guard's Office of Regulations and Administrative Law under 33 CFR 1.05-1(h).

IV. Discussion of the Rule

OFCO No. 012-22, issued February 28, 2022, changed the name of U.S. Coast Guard Sector Guam to U.S. Coast Guard Forces Micronesia/Sector Guam. This rule simply reflects that name change in parts 3 and 165 of Title 33 of the Code of Federal Regulations. Part 3 of 33 CFR describes the location of U.S. Coast Guard districts, sectors, and Captain of the Port (COTP) and Officer in Charge of Marine Inspections (OCMI) zones. And part 165 contains regulations for regulated navigation areas, safety zones, and security zones that make references to Captains of the Port.

The February 2022 OFCO did not change the area of responsibility (AOR). The AOR of U.S. Coast Guard Forces Micronesia/Sector Guam is identical to that of what was U.S. Coast Guard Sector Guam. All authorities and responsibilities previously assigned to

Commander, U.S. Coast Guard Sector Guam have been assigned to Commander, U.S. Coast Guard Forces Micronesia/Sector Guam. Additionally, all authorities that were vested in the Commander, U.S. Coast Guard Sector Guam as it pertains to the COTP, the OCMI, the Federal On Scene Coordinator, the Federal Maritime Security Coordinator, and the Search and Rescue Coordinator, have been assigned to Commander, U.S. Coast Guard Forces Micronesia/Sector Guam.

This rule does not change any sector, OCMI, or COTP zone boundary lines, nor does it have any substantive impact on existing regulated navigation area, safety zone, or security zone regulation, or any naval vessel protection zones.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the finding that the name change will have no substantive effect on the public.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

For the reasons stated in section V.A above, this rule will not have a significant economic impact on any member of the public, including "small entities."

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule consists only of an organizational amendment. It is categorically excluded from further review under paragraph L3 of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01, Implementation of the National Environmental Policy Act.

List of Subjects

33 CFR Part 3

Organization and functions (Government agencies).

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 3 and 165 as follows:

PART 3—COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

- 1. The authority citation for part 3 is revised to read as follows:

Authority: 14 U.S.C. 501, 504; Public Law 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

- 2. Revise § 3.70-15 to read as follows:

§ 3.70-15 U.S. Coast Guard Forces Micronesia/Sector Guam Marine Inspection Zone and Captain of the Port Zone.

U.S. Coast Guard Forces Micronesia/Sector Guam's office is located in Santa Rita, Guam. The boundaries of U.S. Coast Guard Forces Micronesia/Sector Guam's Marine Inspection Zone and Captain of the Port Zone comprise the Territory of Guam and the adjacent waters of the EEZ, and the Commonwealth of the Northern Mariana Islands and the adjacent waters of the EEZ. U.S. Coast Guard Forces Micronesia/Sector Guam's Marine Inspection Zone also includes the Republic of Palau, the Republic of the

Marshall Islands, and the Federated States of Micronesia.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 3. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

§ 165.1401 [Amended]

- 4. In § 165.1401(b)(3), remove the word "Guam" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1402 [Amended]

- 5. In § 165.1402 in paragraph (a) introductory text, remove the word "Guam" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1404 [Amended]

- 6. In § 165.1404(b), remove the word "Guam" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1405 [Amended]

- 7. In § 165.1405 in paragraphs (d)(1), (3) and (6), remove the word "Guam" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1416 [Amended]

- 8. In § 165.1416(a), remove the word "Guam" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1417 [Amended]

- 9. In § 165.1417:
 - a. In paragraph (a), remove the word "Guam" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam"; and
 - b. In paragraph (b), remove the words "Sector Guam" and add, in their place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1418 [Amended]

- 10. In § 165.1418:
 - a. In paragraph (a), remove the words "Guam Captain of the Port" and add, in its place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam Captain of the Port"; and
 - b. In paragraph (b), remove the words "Sector Guam" and add, in their place, the words "U.S. Coast Guard Forces Micronesia/Sector Guam".

§ 165.1419 [Amended]

- 11. In § 165.1419:
 - a. In paragraph (a), remove the words “Captain of the Port Guam” and add, in their place, the words “Captain of the Port U.S. Coast Guard Forces Micronesia/Sector Guam”; and
 - b. In paragraph (b), remove the words “Sector Guam” and add, in their place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

Dated: August 3, 2022.

Michael T. Cunningham,

Chief, Office of Regulations and Administrative Law.

[FR Doc. 2022–16987 Filed 8–8–22; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220801–0167]

RIN 0648–BK82

International Fisheries; Pacific Tuna Fisheries; 2022–2024 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

Correction

In rule document 2022–16824, appearing on pages 47939 through 47944 in the issue of Friday, August 5, 2022, make the following correction:

§ 300.25 Fisheries management. [Corrected]

- On page 47943, in the second table, on the second line, “(ii) January through June” should read “(i) January through June”.

[FR Doc. C1–2022–16824 Filed 8–8–22; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220803–0169]

RIN 0648–BL57

Fisheries of the Northeastern United States; Illex Squid Fishery; Revised 2022 Specifications

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

ACTION: Final rule.

SUMMARY: NMFS is increasing the specifications for the 2022 *Illex* squid fishery. This rule is required to ensure that the 2022 specifications are based on the best scientific information available. This rule is also intended to inform the public of the changes to the specifications for the remainder of the 2022 fishing year.

DATES: Effective August 9, 2022, through December 31, 2022.

ADDRESSES: Copies of the revised specifications, including the Supplemental Information Report, and other supporting documents for the action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N State Street, Dover, DE 19901. These documents are also accessible via the internet at <http://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Policy Analyst, (978) 281–9150.

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic Fishery Management Council manages the *Illex* squid fishery under the Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP). Section 302(g)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) states that the Scientific and Statistical Committee (SSC) for each regional fishery management council shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, ensuring maximum sustainable yield, and achieving rebuilding targets. The ABC is a level of catch that accounts for the scientific uncertainty in the estimate of the stock’s defined overfishing level (OFL). The regulations implementing the MSB FMP require the Council’s MSB Monitoring Committee to develop specification recommendations for each species based upon the ABC advice of the Council’s SSC. The regulations at 50 CFR 648.22(e) allow the Regional Administrator, in consultation with the Council, to adjust specifications during the fishing year.

At its March 2022 meeting, the Council’s SSC reviewed preliminary work by its *Illex* Squid Working Group and concluded that the species continues to be lightly exploited and the fishery footprint is small relative to the entire management unit. The SSC

recommended increasing the 2022 ABC from 33,000 mt to 40,000 mt. The Council recommended this specification adjustment at its April 2022 meeting and requested that NMFS use its in-season authority to increase the 2022 ABC and also adjust the closure threshold from 94 percent to 96 percent. The Council recommended a 96-percent closure threshold given improved reporting appears to have enabled NMFS to more effectively monitor the fishery in recent years and take action to close the fishery when necessary without overages, and it is expected that the smaller closure threshold should still avoid exceeding the ABC.

On May 10, 2022, we published *Illex* squid specifications for 2022 (87 FR 27952), and the National Environmental Policy Act (NEPA) analysis for that rule considered a range of ABCs from 18,000–40,000 mt. The final rule adopted an ABC of 33,000 mt for 2022. The revised specifications implemented by this final rule increase the 2022 *Illex* squid ABC to 40,000 mt, which was included and analyzed during the development of the original 2022 specifications.

Revised Specifications

We are implementing the revised 2022 specifications recommended by the Council and its SSC. The Council recommended that the status quo discard rate of 4.61 percent be reduced from the ABC, which results in a DAH amount of 38,156 mt for 2022 that would be maintained for the 2022 fishing year. These revised specifications will increase the 2022 commercial quota by implementing a 38,156-mt domestic annual harvest (DAH), an increase of 21 percent. Table 1 summarizes the recommended changes to the revised 2022 *Illex* squid specifications. Additionally, the *Illex* fishery closure threshold will change from 94 percent to 96 percent.

TABLE 1—2022 ILLEX SQUID SPECIFICATIONS IN METRIC TONS [mt]

	Current	Modified
OFL	Unknown ..	Unknown.
ABC	33,000	40,000.
Initial Optimum Yield	31,478	38,156.
DAH	31,478	38,156.

Regulatory Clarifications

This action also includes corrections to existing regulations to correct the title of the Regional Administrator in the Tier 1 longfin squid vessel permit regulations, and to remove an outdated requirement for chub mackerel that expired on December 31, 2020, from the