

at 31 FR 5423, the FMCS published a final rule entitled “Appendix to Part 1400—Code of Professional Conduct for Labor Mediators,” which contained the complete narrative of the Code.

After consideration and review, FMCS has concluded that this nearly sixty-year-old Code adopted by the FMCS no longer reflects the agency’s values, scope of services provided by FMCS mediators, or best practices for conflict management and resolution services. Moreover, it addresses employee conduct which is purely an internal agency matter. Therefore, FMCS is issuing this final rule, which rescinds the rule on the Appendix to Part 1400—Code of Professional Conduct for Labor Mediators.

II. Final Rule

FMCS has determined that this rule is suitable for final rulemaking. The revisions to FMCS’ policies and requirements surrounding mediators are purely internal matters of agency management, as well as the agency’s procedure, and practice. Accordingly, FMCS is not required to engage in a notice and comment process to issue this rule under the Administrative Procedures Act, See U.S.C. 553(a)(2), 553(b)(A). Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. FMCS also finds good cause to provide an immediate effective date for this rule because it imposes no obligations on parties outside the federal government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

List of Subjects in 29 CFR Part 1400

Administrative practice and procedure, Labor management relations.

For the reasons discussed in the preamble, and under the authority of 29 U.S.C. 172 and the Taft-Hartley Act of 1947, FMCS amends 29 CFR part 1400 as follows:

PART 1400—STANDARDS OF CONDUCT, RESPONSIBILITIES, AND DISCIPLINE

- 1. The authority citation for part 1400 continues to read as follows:

Authority: E.O. 11222, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Appendix to Part 1400 [Removed]

- 2. Remove the appendix to part 1400.

Dated: November 3, 2022.

Anna Davis,

Deputy General Counsel.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0933]

RIN 1625–AA00

Safety Zone; Corpus Christi Shipping Channel, Corpus Christi, TX

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Corpus Christi Shipping Channel in a zone defined by the following coordinates: 27°48’55.07” N, 97°13’15.94” W; 27°48’54.99” N, 97°13’6.74” W; 27°48’44.46” N, 97°13’6.86” W; 27°48’44.54” N, 97°13’16.06” W. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by pipelines that will be removed from the floor of the Corpus Christi Shipping Channel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective from 9 a.m. through 3 p.m. on November 15, 2022. This rule will be subject to enforcement from 9 a.m. through 3 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Anthony Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email CCWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and

opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this safety zone immediately to protect personnel, vessels, and the marine environment from potential hazards created by pipeline removal operations and lack sufficient time to provide a reasonable comment period and then to consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with pipeline removal operations in the Corpus Christi Shipping Channel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with pipeline removal operations occurring from 9 a.m. through 3 p.m. on November 15, 2022, will be a safety concern for anyone within the Corpus Christi Shipping Channel in a zone defined by the following coordinates: 27°48’55.07” N, 97°13’15.94” W; 27°48’54.99” N, 97°13’6.74” W; 27°48’44.46” N, 97°13’6.86” W; 27°48’44.54” N, 97°13’16.06” W. The purpose of this rule is to ensure safety of vessels and persons on these navigable waters in the safety zone while pipelines are removed from the floor of the Corpus Christi Shipping Channel.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 9 a.m. through 3 p.m. on November 15, 2022, and will be subject to enforcement from 9 a.m. to 3 p.m. The safety zone will encompass all navigable waters of the Corpus Christi Shipping Channel in a zone defined by the following coordinates; 27°48’55.07” N, 97°13’15.94” W; 27°48’54.99” N, 97°13’6.74” W; 27°48’44.46” N,

97°13'6.86" W; 27°48'44.54" N, 97°13'16.06" W. The pipeline will be removed along the floor of the Corpus Christi Shipping Channel. No vessel or person is permitted to enter the temporary safety zone during the effective period without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF-FM (156.8 MHz) or by telephone at 361-939-0450. The Coast Guard will issue Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

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, and we discuss First Amendment rights of protestors.

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).

This regulatory action determination is based on the size, location, and duration of the safety zone. The temporary safety zone will be enforced for a short period of only 6 hours each day. The rule does not completely restrict the traffic within a waterway and allows mariners to request permission to enter the zone.

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.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section

V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR**

FURTHER INFORMATION CONTACT section above.

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, 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 involves establishment of a temporary safety zone for navigable waters of the Corpus Christi Shipping Channel in a zone defined by the following coordinates: 27°48'55.07" N, 97°13'15.94" W; 27°48'54.99" N, 97°13'6.74" W; 27°48'44.46" N, 97°13'6.86" W; 27°48'44.54" N, 97°13'16.06" W. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by pipeline that will be removed from the floor of the Corpus Christi Shipping Channel. It is categorically excluded from further review under paragraph L60(c) Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 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 part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. 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.

■ 2. Add § 165.T08–0933 to read as follows:

§ 165.T08 0933 Safety Zone; Corpus Christi Shipping Channel, Corpus Christi, TX.

(a) *Location.* The following area is a safety zone: all navigable waters of the Corpus Christi Shipping Channel in a zone defined by the following coordinates: 27°48'55.07" N, 97°13'15.94" W; 27°48'54.99" N, 97°13'6.74" W; 27°48'44.46" N, 97°13'6.86" W; 27°48'44.54" N, 97°13'16.06" W.

(b) *Effective period.* This section is effective from 9 a.m. through 3 p.m. on November 15, 2022. This section is subject to enforcement from 9 a.m. to 3 p.m.

(c) *Regulations.* (1) According to the general regulations in § 165.23, entry into the temporary safety zone in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. They may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

Dated: November 9, 2022.

J.B. Gunning,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AR70

Vietnam Era Definition, Medal of Honor Special Pension for Surviving Spouses, and Dependency and Indemnity Compensation (DIC) Remarriage Age

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its adjudication regulations by revising the definition of the Vietnam era, extending the payment of Medal of Honor special pension to an eligible surviving spouse, and extending eligibility for dependency and indemnity compensation (DIC) to surviving spouses who remarry after age 55. These amendments incorporate legislative updates enacted by the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020. Amendments to regulations regarding the definition of Vietnam era and the retention of eligibility to DIC benefits following the remarriage of a surviving spouse after a certain age bring federal regulations into conformance with the statutory changes. Similarly, the Medal of Honor special pension regulatory amendments extend eligibility for that benefit to a surviving spouse of a Medal of Honor recipient as required by law.

DATES:

Effective date: This rule is effective November 15, 2022.

Applicability date: The provisions of this final rule shall apply to all applications for benefits pending before VA or a Federal appellate court on or after January 5, 2021, unless otherwise noted.

FOR FURTHER INFORMATION CONTACT: Eric Baltimore, Program Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–632–8863 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, Public Law 116–315, 134 Stat. 4967 (herein referred to as “the Act”), was enacted on January 5, 2021. Sections 2001, 2003, and 2009 of the Act amended sections 101(29)(A), 1562(a), 1562(d), 1562(f)(1), 103(d)(5), and 103(d)(2)(B) of title 38, U.S.C. To incorporate these amendments, VA amends its regulations governing the

definition of the Vietnam era, Medal of Honor special pension benefits for surviving spouses, and the remarriage age for surviving spouses eligible to receive DIC benefits.

Definition of Vietnam Era

Section 2001 of the Act amended 38 U.S.C. 101(29)(A) by revising the definition of Vietnam era to “[t]he period beginning November 1, 1955, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.” VA amends 38 CFR 3.2 to incorporate this change.

VA administers several benefit programs, including Veterans and Survivors Pension, in which benefits are payable to veterans and their survivors based, in part, on whether the veteran served during a period of war, including the Vietnam era. See 38 U.S.C. 101(11) (defining period of war). For example, eligibility for pension benefits requires that the veteran served in the active military, naval, air, or space service—(1) for ninety days or more during a period of war; (2) during a period of war and was discharged or released from such service for a service-connected disability; (3) for a period of ninety consecutive days or more and such period began or ended during a period of war; or (4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war. See 38 U.S.C. 1521(j). The definition of the Vietnam era also impacts numerous other VA benefits tied to service during a period of war, to include disability compensation under Chapter 11, and DIC under Chapter 13.

Previously, the Vietnam era was defined as “[t]he period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.” 38 U.S.C. 101(29) (2020). Under the amended definition of the Vietnam era, which now begins on November 1, 1955, additional veterans who served in the Republic of Vietnam and their eligible survivors now qualify for the above-mentioned benefits.

VA amends 38 CFR 3.2 to incorporate the new statutory definition of Vietnam era. Because the Act did not amend the definition of Vietnam era in 38 U.S.C. 1831(3), that definition remains unchanged for purposes of administering benefits under Chapter 18 of Title 38, United States Code. Accordingly, VA is not amending the definition of Vietnam veteran in 38 CFR 3.814 and 3.815.