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Acting Manager, Airspace Rules and Regulations Group.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2023–1534; Airspace Docket No. 23–AEA–11]

RIN 2120–AA66

Renaming of Restricted Areas R–6602A, R–6602B, and R–6602C; Fort Pickett, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action is an administrative change to rename the location of restricted areas R–6602A, R–6602B, and R–6602C, Fort Pickett, VA, and to update the using agency description to reflect the change. This action partially implements recommendations of the Commission on the Naming of Items (Naming Commission) of the Department of Defense (DoD) as established by section 370 of the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA).

DATES: Effective date 9:01 a.m. UTC, October 5, 2023.

ADDRESSES: A copy of this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the

agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the airspace descriptions of restricted areas R–6602A, R–6602B, and R–6602C.

Background

The FY 2021 NDAA directed the DoD to establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the DoD that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.¹ In January 2023, the Secretary of Defense directed all DoD organizations to begin full implementation of the Naming Commission’s recommendations. As approved by the Secretary of Defense, the name “Fort Pickett, VA” is changed to “Fort Barfoot, VA”. Consequently, this rulemaking action implements the requisite changes to part 73 by updating the airspace descriptions of restricted areas R–6602A, R–6602B, and R–6602C to reflect the new name.

The Rule

This action amends 14 CFR part 73 by updating the airspace titles and using agency descriptions for restricted areas R–6602A, R–6602B, and R–6602C by removing the name “Fort Pickett, VA” and replacing it with “Fort Barfoot, VA”. This action consists of administrative name changes only and does not affect the boundaries, altitudes, time of designation, or activities conducted in the airspace. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of making administrative name changes to the geographic locations of restricted areas R–6602A, R–6602B, and R–6602C, which do not alter the boundaries, altitudes, or time of designation, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5–6.5d—Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for 14 CFR part 73 continues to read as follows:

¹ Public Law 116–283, 134 Stat. 3388, Jan. 1, 2021.

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.66 Virginia [Amended]

■ 2. Section 73.66 is amended as follows:

* * * * *

R–6602A Fort Pickett, VA [Removed]

R–6602B Fort Pickett, VA [Removed]

R–6602C Fort Pickett, VA [Removed]

R–6602A Fort Barfoot, VA [New]

Boundaries. Beginning at lat. 37°05′38″ N, long. 77°51′53″ W; to lat. 37°04′26″ N, long. 77°51′44″ W; thence along State Highway No. 40; to lat. 37°03′56″ N, long. 77°51′04″ W; to lat. 37°02′44″ N, long. 77°50′37″ W; to lat. 37°01′06″ N, long. 77°50′42″ W; to lat. 36°59′51″ N, long. 77°50′33″ W; to lat. 36°57′59″ N, long. 77°52′13″ W; to lat. 36°57′55″ N, long. 77°53′18″ W; to lat. 36°58′13″ N, long. 77°57′41″ W; to lat. 37°01′51″ N, long. 77°58′39″ W; to lat. 37°01′51″ N, long. 77°55′57″ W; to lat. 37°04′22″ N, long. 77°55′57″ W; to lat. 37°05′38″ N, long. 77°54′41″ W; to the point of beginning.

Designated altitudes. Surface to but not including 4,000 feet MSL.

Time of designation. Continuous May 1 to Sept. 15. Other times by NOTAM 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. Virginia National Guard, Commander, Fort Barfoot, VA.

R–6602B Fort Barfoot, VA [New]

Boundaries. Beginning at lat. 37°05′38″ N, long. 77°51′53″ W; to lat. 37°04′26″ N, long. 77°51′44″ W; thence along State Highway No. 40; to lat. 37°03′56″ N, long. 77°51′04″ W; to lat. 37°02′44″ N, long. 77°50′37″ W; to lat. 37°01′06″ N, long. 77°50′42″ W; to lat. 36°57′55″ N, long. 77°53′18″ W; to lat. 36°58′13″ N, long. 77°57′41″ W; to lat. 37°01′51″ N, long. 77°58′39″ W; to lat. 37°01′51″ N, long. 77°55′57″ W; to lat. 37°04′22″ N, long. 77°55′57″ W; to lat. 37°05′38″ N, long. 77°54′41″ W; to the point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 11,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. Virginia National Guard, Commander, Fort Barfoot, VA.

R–6602C Fort Barfoot, VA [New]

Boundaries. Beginning at lat. 37°05′38″ N, long. 77°51′53″ W; to lat. 37°04′26″ N, long. 77°51′44″ W; thence along State Highway No. 40; to lat.

37°03′56″ N, long. 77°51′04″ W; to lat. 37°02′44″ N, long. 77°50′37″ W; to lat. 37°01′06″ N, long. 77°50′42″ W; to lat. 36°57′55″ N, long. 77°53′18″ W; to lat. 36°58′13″ N, long. 77°57′41″ W; to lat. 37°01′51″ N, long. 77°58′39″ W; to lat. 37°01′51″ N, long. 77°55′57″ W; to lat. 37°04′22″ N, long. 77°55′57″ W; to lat. 37°05′38″ N, long. 77°54′41″ W; to the point of beginning.

Designated altitudes. 11,000 feet MSL to but not including 18,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Virginia National Guard, Commander, Fort Barfoot, VA.

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Karen L. Chiodini,

Acting Manager, Airspace Rules and Regulations.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

[Docket No. DEA–637]

RIN 1117–AB64

Transfer of Electronic Prescriptions for Schedules II–V Controlled Substances Between Pharmacies for Initial Filling

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is amending its regulations to allow the transfer of electronic prescriptions for schedules II–V controlled substances between registered retail pharmacies for initial filling, upon request from the patient, on a one-time basis. This amendment specifies the procedure that must be followed and the information that must be documented when transferring such electronic controlled substance prescriptions between DEA-registered retail pharmacies.

DATES: This rule is effective August 28, 2023.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3882.

SUPPLEMENTARY INFORMATION:

Executive Summary

On November 19, 2021, the Drug Enforcement Administration (DEA) published a notice of proposed rulemaking (NPRM) proposing to permit the transfer of electronic prescriptions for controlled substances (EPCS) in schedules II–V between registered retail pharmacies for initial filling on a one-time basis only.¹ In this rulemaking, DEA is finalizing the regulatory text proposed in the NPRM with modifications to address concerns brought forth by commenters.

The final rule amends DEA regulations to explicitly state that an electronic prescription for a controlled substance in schedule II–V may be transferred between retail pharmacies for initial filling on a one-time basis only, upon request from the patient, and clarifies that any authorized refills included on a prescription for a schedule III, IV, or V controlled substance are transferred with the original prescription. The final rule requires that: the transfer must be communicated directly between two licensed pharmacists; the prescription must remain in its electronic form; and the contents of the prescription required by 21 CFR part 1306 must be unaltered during the transmission. The final rule also stipulates that the transfer of EPCS for initial dispensing is permissible only if allowable under existing State or other applicable law.

In addition, the final rule describes the information that must be recorded to document transfer of EPCS between pharmacies for initial dispensing. It also clarifies that, in lieu of manual data entry, the transferring and/or receiving pharmacy's prescription processing software may, if capable, capture the required information from the electronic prescription and automatically populate the corresponding data fields to document the transfer. The transferring and/or receiving pharmacist, as applicable, must ensure that the populated information is complete and accurate. The electronic records documenting EPCS transfers must be maintained by both pharmacies for two years from the date of the transfer. The existing requirements for all prescriptions, as outlined in 21 CFR part 1306, Prescriptions, and the requirements for prescribing and pharmacy applications, as outlined in 21 CFR part 1311, Requirements for Electronic Orders and Prescriptions, remain unchanged in this final rule.

¹ 86 FR 64881.