

it either (i) provides an extraordinary benefit to U.S. national security; or (ii) provides an extraordinary benefit to the U.S. national interest in a way that overwhelmingly outweighs relevant U.S. national security concerns.

The Secretary may request detailed documentation from the relevant U.S. person(s) involved in such proposed transaction(s) in order to consider whether to grant an exemption. The Treasury Department is *not* considering granting retroactive waivers or exemptions (*i.e.*, waivers or exemptions after a prohibited transaction has been completed).

The ANPRM seeks comment on this topic including:

69. What would be the consequences and impacts of allowing for exemptions for certain transactions that ordinarily would be prohibited? What, if any, additional or alternate criteria should be enumerated for an exemption?

70. What should the Treasury Department require from the U.S. person to substantiate the need for an exemption from the prohibition?

O. Compliance; Record-Keeping

The Treasury Department wishes to achieve widespread compliance, and to gather the information necessary to administer and enforce the program, without unduly burdening U.S. persons or discouraging transactions the program is not intended to address. The Treasury Department therefore seeks comment on the compliance and record-keeping controls that may be put in place under the program.

The ANPRM seeks comment on this topic including:

71. What new compliance and recordkeeping controls will U.S. persons anticipate needing to comply with the program as described in this ANPRM? To what extent would existing controls for compliance with other U.S. Government laws and regulations be useful for compliance with this program?

72. What additional information will U.S. persons need to collect for compliance purposes as a result of this program?

P. Penalties

The Order requires the Secretary to investigate, in consultation with the heads of relevant agencies, as appropriate, violations of the Order or the regulations and pursue available civil penalties for such violations. The Order also explicitly prohibits “any conspiracy formed to violate” the Order or implementing regulations as well as “any action that evades, has the purpose of evading, causes a violation of, or attempts to violate” the Order or implementing regulations. It authorizes the Secretary to “refer potential criminal

violations of this order or the regulations issued under this order to the Attorney General.”

Further, under the Order, consistent with IEEPA, the Secretary can “nullify, void, or otherwise compel the divestment of any prohibited transaction entered into after the effective date” of the implementing regulations. The Treasury Department would not use this authority to unwind a transaction that was not prohibited at the time it was completed.

The Treasury Department is considering penalizing the following with a civil penalty up to the maximum allowed under IEEPA: (i) material misstatements made in or material omissions from information or documentary material submitted or filed with the Treasury Department; (ii) the undertaking of a prohibited transaction; or (iii) the failure to timely notify a transaction for which notification is required.

The ANPRM seeks comment on this topic including:

73. How, if at all, should penalties and other enforcement mechanisms (such as ordering the divestment of a prohibited transaction) be tailored to the size, type, or sophistication of the U.S. person or to the nature of the violation?

74. What factors should the Treasury Department analyze when determining whether to impose a civil penalty, as well as the amount?

75. What transaction data sources should the Treasury Department use to monitor compliance with this program?

76. What process should the Treasury Department institute in the event of a required divestment order?

Q. Overarching and Additional Inquiries

The Treasury Department welcomes comments and views from a wide range of stakeholders on all aspects of how the Secretary should implement the Order. A non-exclusive list of overarching and additional questions for comment is below:

77. The Order identifies semiconductors and microelectronics, quantum information technologies, and AI systems as technologies and products covered by this program because of their critical role in enhancing the military, intelligence, surveillance, or cyber-enabled capabilities of countries of concern in ways that threaten the national security of the United States. Are there questions about why and how these categories fit into the objectives of the program? Are there specific technologies and products that should be considered and not already discussed in this ANPRM?

78. In light of the Order, what structural features should this program include that are not already previewed in this ANPRM, and why?

79. What would be the major risks or obstacles to the effective operation of the

program, as proposed? Where possible, please provide supporting material, including empirical data, findings, and analysis in reports or studies by established organizations or research institutions, to illustrate these risks.

80. How significant are the anticipated costs and burdens of the regulations the Treasury Department is proposing? What types of U.S. businesses or firms (*e.g.*, small businesses) would be particularly burdened by the program? How can such burdens be alleviated, consistent with the stated objectives of the program?

81. The Treasury Department is interested in exploring public insights and supporting literature associated with outbound investment, to complement our own research to date. Have researchers (including in the fields of political science, international relations, national security law, economics, corporate finance, and other related fields) studied the national security costs and benefits of U.S. investment in countries of concern? Please provide any insights (and supporting literature) that characterize these costs and benefits and/or provides conclusions about net effects.

82. How might firms approach compliance related to regulations issued under this Order? What types of requirements would lead to higher compliance costs for firms? What alternatives would result in lower compliance costs? Are there any baseline costs that firms would face regardless of choices the Treasury Department makes during rulemaking? Where possible, please quantify these costs (rough estimates or ranges are helpful as well).

83. The Treasury Department is interested in understanding the risks of evasion and avoidance; how might U.S. persons or investment targets evade or avoid these regulations, and how should the Treasury Department account for these possible behaviors in the design of the program?

Paul M. Rosen,

Assistant Secretary for Investment Security.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AR98

VA Health Professional Scholarship Program

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

SUMMARY: VA proposes to amend its regulations that govern the VA Health Professional Scholarship Program (HPSP) by implementing the mandates of the Consolidated Appropriations Act, which would expand the number of scholarships available to those who are pursuing degrees or training in mental health disciplines. We also propose to

make a technical correction under the Paperwork Reduction Act section to correct an approved OMB control number.

DATES: Comments must be received on or before October 13, 2023.

ADDRESSES: Comments must be submitted through www.regulations.gov. Except as provided below, comments received before the close of the comment period will be available at www.regulations.gov for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on the following website as soon as possible after they have been received: <https://www.regulations.gov>. VA will not post on Regulations.gov public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm the individual. VA encourages individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date is considered late and will not be considered in the final rulemaking.

FOR FURTHER INFORMATION CONTACT: Nicole Nedd, Director, Scholarships and Clinical Education, Workforce Management, 810 Vermont Ave NW, Washington, DC 20420. (504-507-4985). (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: Pursuant to sections 7601 through 7619, 7633, 7634, and 7636 of title 38, United States Code (U.S.C.) and the implementing regulations at sections 17.600 through 17.612 of title 38, Code of Federal Regulations (CFR), VA has established the HPSP to assist in providing an adequate supply of trained health-care personnel for VA and the Nation. The purpose of the HPSP is to award scholarships to students pursuing a course of study leading to a degree in certain health care occupations, listed in 38 U.S.C. 7401(1) and (3). See § 17.600. The HPSP allows VA to provide scholarship awards to facilitate recruitment and retention of employees in several hard-to-fill health care occupations. Id.

Pursuant to § 17.603(a), HPSP scholarships will be awarded only when necessary to assist VA in alleviating shortages or anticipated shortages of personnel in certain health professions.

Current paragraphs (b)(1) through (2) further explain that HPSP scholarships will be awarded to physicians, dentists, and other health care professions. Under § 17.603(b)(1)(i), VA will award not less than an additional 50 HPSP scholarships (83 total) each year to individuals who are accepted for enrollment or are enrolled in a program of education or training leading to employment as a physician or dentist until such date as VA determines that the staffing shortage of physicians and dentists in VA is less than 500. Additionally, VA will grant HPSP scholarships in a course of study in those disciplines or programs other than physician or dentist where recruitment is necessary for the improvement of veterans' health care as listed in 38 U.S.C. 7401(1) and (3). See § 17.603(b)(2).

On December 29, 2022, the Consolidated Appropriations Act (the Act), Public Law 117-328, was enacted into law. Section 104(a) of Division V of the Act expands the HPSP by requiring VA to specifically award scholarships to applicants who are pursuing degrees or training in mental health disciplines, including advanced practice nursing (with a focus on mental health or substance use disorder), psychology, and social work. This section requires that VA provide no fewer than an additional 50 awards (as compared to academic year 2021) to such applicants per academic year starting in academic year 2022.

To comply with the mandate of section 104(a) of Division V of the Act, we propose to amend § 17.603(b). We also propose to make a technical correction to § 17.602 to correctly reflect the Office of Management and Budget (OMB) control number for the approved collection of information.

Section 17.603 Availability of HPSP Scholarships

Section 17.603 establishes the availability of HPSP scholarships. Paragraph (b) provides for the fields of education that qualify for the HPSP scholarship. We propose to redesignate current paragraph (b)(2) as new paragraph (b)(3) without making changes to the current regulation text which explains when VA will grant HPSP scholarships to other health care professions. Consistent with section 104(a) of Division V of the Act, we propose to add a new paragraph (b)(2) to state that notwithstanding paragraphs (b)(1) and (3) of this section, VA will award not less than 83 HPSP scholarships each year to individuals who are accepted for or are enrolled in a program of education or training

leading to employment in a mental health discipline, including, but limited to, advanced practice nursing (with a focus on mental health or substance use disorder), psychology, or social work. Because a mental health care professional may be eligible to receive an HPSP scholarship under current paragraph (b)(1) or proposed paragraph (b)(3), we would add that such professionals would be awarded a scholarship pursuant to paragraph (b)(2) notwithstanding an applicant's eligibility under paragraphs (b)(1) or (b)(3) of § 17.603.

We are required by section 104(a) of Division V of the Act to increase the amount of scholarships to individuals who pursued education leading to employment in advanced practice nursing (with a focus on mental health or substance use disorder), psychology, or social work by not fewer than an additional 50 awards for academic year 2022 (as compared to academic year 2021). Therefore, we propose to award not less than 83 HPSP scholarships for mental health disciplines as VA awarded a combined total of 33 HPSP scholarships to individuals who pursued education leading to employment in mental health disciplines during academic year 2022. However, we will not be able to implement the mandates of section 104(a) of Division V of the Act during academic year 2022 because the application period for that year has already passed. VA usually starts accepting applications for an academic year during the spring of the prior academic year. For example, to award HPSP scholarships for an academic year that starts in September 2024, the applications must be submitted and granted during the spring 2024. VA does not anticipate awarding these additional HPSP scholarships until spring 2024 for academic year 2024.

While section 104(a) of Division V of the Act provided that VA award HPSP scholarships to individuals who are pursuing a course of education leading to employment in mental health disciplines, including advanced practice nursing (with a focus on mental health or substance use disorder), psychology, and social work, we would clarify in proposed paragraph (b)(2) that mental health disciplines include, but are not limited to, advanced practice nursing (with a focus on mental health or substance use disorder), psychology, or social work. (emphasis added). The plain language reading of section 104(a) of the Division V of the Act could imply that an individual must be pursuing all three disciplines simultaneously in order to receive the HPSP scholarship

by using the term “and”. However, we believe that the correct term should be “or” because most individuals would only be pursuing one of the three disciplines cited in section 104(a) of Division V of the Act. We, therefore, propose to change the term “and” to “or” by stating that the HPSP scholarships would be awarded for mental health disciplines, which include, but are not limited to, advanced practice nursing (with a focus on mental health or substance use disorder), psychology, or social work.

In addition, as there are other mental health disciplines, we do not provide an exhaustive list of such disciplines. Rather, we propose including the examples Congress included in the law, but noting that scholarships under proposed paragraph (b)(2) are not limited to this list of mental health disciplines. Other mental health disciplines may include licensed professional mental health counselor, marriage and family therapist, physician assistants, and rehabilitation counseling.

Technical Correction

Section 17.602 currently contains an incorrect approved Office of Management and Budget (OMB) information collection control number. The information collection for this section has been approved by OMB and has been assigned OMB control number 2900–0793. However, § 17.602 contains the incorrect OMB control number of 2900–0352. We propose to update § 17.602 to reflect the correct and approved OMB control number.

Executive Orders 12866, 13563, and 14094

Executive Orders 12866 (Regulatory Planning and Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January

18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This proposed rule would solely be operated and administered within VA and would only affect individuals who apply and are awarded an HPSP scholarship. On this basis, the Secretary certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. Therefore, under 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

Although this proposed rule contains an increase in the provisions constituting a collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), this increase is already captured in an existing collection of information. The collections of information for 38 CFR 17.602 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0793. However, § 17.602 incorrectly reflects OMB control number 2900–0352. We propose to correct this technical error in this rulemaking by updating the reference in § 17.602 to reflect OMB control number 2900–0793.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Health care, Health facilities, Health professions, Scholarships and fellowships.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on August 7, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Consuela Benjamin,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 17 as set forth below:

PART 17—MEDICAL

- 1. The authority citation for part 17 is amended by adding an entry for §§ 17.600 through 17.612, in numerical order, to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

* * * * *

Sections 17.600 through 17.612 are also issued under 38 U.S.C. 7601–7619, 7633, 7634, 7636, and sec. 104(a), div. V, Pub. L. 117–328.

* * * * *

- 2. Amend § 17.602 by revising the parenthetical at the end of the section to read as follows.

§ 17.602 Eligibility.

* * * * *

(Approved by the Office of Management and Budget under control number 2900–0793)

- 3. Amend § 17.603 by:
 - a. Redesignating paragraph (b)(2) as new paragraph (b)(3); and
 - b. Adding new paragraph (b)(2).

The addition reads as follows:

§ 17.603 Availability of HPSP scholarships.

* * * * *

(b) * * *

(2) *Mental health disciplines.* Notwithstanding paragraphs (b)(1) and (3) of this section, VA will award not less than 83 HPSP scholarships each year to individuals who are accepted for or are enrolled in a program of education or training leading to employment in a mental health discipline, including, but limited to, advanced practice nursing (with a focus

on mental health or substance use disorder), psychology, or social work.

* * * * *

[FR Doc. 2023-17318 Filed 8-11-23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2023-0272; FRL-11237-01-R8]

Air Plan Approval and Disapproval; Colorado; Serious Attainment Plan Elements and Related Revisions for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve and disapprove portions of a state implementation plan (SIP) revision submitted by the State of Colorado to meet Clean Air Act (CAA) requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS) in the Denver Metro/North Front Range nonattainment area (DMNFR Area). Specifically, the EPA is proposing approval of the submitted enhanced monitoring SIP element as meeting applicable Serious area requirements for the 2008 8-hour ozone NAAQS, and is proposing disapproval of the contingency measure element and certain reasonably available control technology (RACT) SIP submittals. The EPA is taking this action pursuant to the CAA.

DATES: Written comments must be received on or before September 13, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R08-OAR-2023-0272, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and

should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Abby Fulton, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, telephone number: (303) 312-6563, email address: fulton.abby@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. What action is the EPA taking?

As explained below, the EPA is proposing various actions on Colorado’s proposed SIP revisions that were submitted respectively on March 22, 2021, and May 20, 2022. Specifically, we are proposing to approve the submitted enhanced monitoring SIP element as meeting applicable Serious area requirements for the 2008 8-hour ozone NAAQS. We are proposing disapproval of the contingency measures and the categorical RACT rules for refinery fueled process heaters as well as landfill or biogas fired reciprocating internal combustion engines (RICE) and the State’s RACT determination for the Golden Aluminum facility.

The basis for our proposed action is discussed in this proposed rulemaking.

II. Background

On March 12, 2008, the EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) (based on the annual fourth-highest daily maximum 8-hour average concentration, averaged over three years), to provide increased protection of public health and the

environment.¹ The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Specifically, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm.² Effective July 20, 2012, the EPA designated as nonattainment any area that was violating the 2008 8-hour ozone NAAQS based on the three most recent years (2008–2010) of air monitoring data.³ With that rulemaking, the DMNFR Area was designated nonattainment and classified as Marginal.⁴ Ozone nonattainment areas are classified based on the severity of their ozone levels, as determined using the area’s design value. The design value is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration at a monitoring site.⁵ Areas designated as nonattainment at the Marginal classification level were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data.⁶

On May 4, 2016, the EPA published its determination that the DMNFR Area, among other areas, had failed to attain the 2008 8-hour ozone NAAQS by the attainment deadline, and that it was accordingly reclassified to Moderate ozone nonattainment status.⁷ Colorado submitted SIP revisions to the EPA on May 31, 2017 to meet the DMNFR Area’s requirements under the Moderate classification.⁸ The EPA took final action on July 3, 2018, approving the majority of the May 31, 2017 submittal, but deferring action on portions of the

¹ Final rule, National Ambient Air Quality Standards for Ozone, 73 FR 16436 (March 27, 2008). The EPA has since further strengthened the ozone NAAQS, but the 2008 8-hour standard remains in effect. See Final Rule, National Ambient Air Quality Standards for Ozone, 80 FR 65292 (Oct. 26, 2015).

² 40 CFR 50.15(b).

³ Final rule, Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards, 77 FR 30088 (May 21, 2012).

⁴ *Id.* at 30110. The nonattainment area includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson Counties, and portions of Larimer and Weld Counties. See 40 CFR 81.306.

⁵ 40 CFR part 50, appendix I.

⁶ 40 CFR 51.903.

⁷ Final rule, Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards, 81 FR 26697 (May 4, 2016).

⁸ CAA section 182, 42 U.S.C. 7511a, outlines SIP requirements applicable to ozone nonattainment areas in each classification category. Areas reclassified as Moderate under the 2008 8-hour ozone NAAQS had a submittal deadline of January 1, 2017 for these SIP revisions (81 FR 26699).