

The revision read as follows:

§ 63.14 Incorporation by reference.

\* \* \* \* \*

(n) \* \* \*

(10) Rhode Island Regulations at Title 250 Department of Environmental Management, Chapter 120 Air Resources, Subchapter 05 Air Pollution Control:

(i) 250-RICR-120-05-0. Part 0 General Definitions Regulation, effective as of January 4, 2022, excluding 0.2 "Application"; IBR approved for § 63.99(a).

(ii) 250-RICR-120-05-36. Part 36 Control of Emissions from Organic Solvent Cleaning, effective as of June 13, 2022, excluding 36.2 "Application", 36.5.A.28, "Industrial solvent cleaning", 36.6.D, and 36.17 "Requirements for Industrial Cleaning Solvents"; IBR approved for § 63.99(a).

\* \* \* \* \*

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 3. Section 63.99 is amended by revising paragraph (a)(40)(ii) to read as follows:

§ 63.99 Delegated Federal authorities.

\* \* \* \* \*

(a) \* \* \*

(40) \* \* \*

(ii) Affected organic solvent cleaning sources within Rhode Island must comply with the Rhode Island regulations applicable to hazardous air pollutants, 250-RICR-120-05-0 and 250-RICR-120-05-36 (incorporated by reference as specified in § 63.14), as described in paragraph (a)(40)(ii)(A) of this section:

(A) 250-RICR-120-05-0 and 250-RICR-120-05-36 pertain to organic solvent cleaning facilities in the State of Rhode Island's jurisdiction, and have been approved under the procedures in § 63.93 to be implemented and enforced in place of the Federal Halogenated Solvent NESHAP found at 40 CFR part 63, subpart T (except for those provisions listed under paragraphs (a)(40)(ii)(A)(1)(i)).

(1) Authorities not delegated.

(i) Rhode Island is not delegated the Administrator's authority to implement and enforce Rhode Island regulations at 250-RICR-120-05-0 and 250-RICR-120-05-36 in lieu of those provisions of subpart T of this part which apply to continuous web cleaning machines as defined in 40 CFR. § 63.461.

(ii) [Reserved]

(2) [Reserved]

(B) [Reserved]

\* \* \* \* \*

[FR Doc. 2023-18696 Filed 8-31-23; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405, 410, 411, 412, 413, 416, 419, 424, 485, and 489

[CMS-1772-FC; CMS-1744-F; CMS-3419-F; CMS-5531-F; CMS-9912-F]

RIN 0938-AU82

Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Acquisition; Rural Emergency Hospitals: Payment Policies, Conditions of Participation, Provider Enrollment, Physician Self-Referral; New Service Category for Hospital Outpatient Department Prior Authorization Process; Overall Hospital Quality Star Rating; COVID-19

C1-2022-23918, published at 88 FR 57901 on August 24, 2023, is withdrawn.

Correction

In rule document 2022-23918 beginning on page 71748 in the issue of November 23, 2022, make the following correction:

§ 413.404 Corrected

■ On page 72288, starting in the first column, amendatory instruction twenty-three should read as follows:

■ 23. Section 413.404 is amended by revising paragraphs (a)(2), (b)(2), (b)(3) introductory text, (b)(3)(i) heading, (b)(3)(i)(A) through (C), (b)(3)(ii) heading, (b)(3)(ii)(A) and (B), (b)(3)(ii)(C) introductory text, (b)(3)(ii)(C)(1) through (3), (c)(1)(i) and (ii), (c)(2)(i) through (iv), and (c)(3) to read as follows:

On the same page, in the second column:

Paragraph designation "(b)(3)(i)(C)(1)(i)" should read "(b)(3)(i)(C)(1)(i)"

Paragraph designation "(b)(3)(i)(C)(1)(ii)" should read "(b)(3)(i)(C)(1)(ii) and in the second line of paragraph (b)(3)(i)(C)(1)(ii), "(b)(3)(i)(C)(1)(i)" should read "(b)(3)(i)(C)(1)(i)".

Paragraph designation "(b)(3)(i)(C)(2)" should read "(b)(3)(i)(C)(2)".

Paragraph designation "(b)(3)(i)(C)(2)(i)" should read "(b)(3)(i)(C)(2)(i)".

Paragraph designation "(b)(3)(i)(C)(2)(ii)" should read "(b)(3)(i)(C)(2)(ii)" and in the second line of paragraph (b)(3)(i)(C)(2)(ii), "(b)(3)(i)(C)(2)(i)" should read "(b)(3)(i)(C)(2)(i)".

In paragraph (b)(3)(ii) starting in the first line, "Deceased donor SAC for TH/HOPOs—(A) Definition." should read "Deceased donor SAC for TH/HOPOs—(A) Definition."

On the same page, in the third column:

In paragraph (b)(3)(ii)(B), the heading "Calculating the deceased donor SAC" should read "Calculating the deceased donor SAC".

Paragraph designation "(b)(3)(ii)(B)(1)" should read "(b)(3)(ii)(B)(1)" and in paragraph (b)(3)(ii)(B), the heading "Initial deceased donor SAC" should read "Initial deceased donor SAC."

Paragraph designation "(b)(3)(ii)(B)(1)(i)" should read "(b)(3)(ii)(B)(1)(i)".

Paragraph designation "(b)(3)(ii)(B)(1)(ii)" should read "(b)(3)(ii)(B)(1)(ii)" and in the second line of paragraph (b)(3)(ii)(B)(1)(ii), "(b)(3)(ii)(B)(1)(i)" should read "(b)(3)(ii)(B)(1)(i)".

Paragraph designation "(b)(3)(ii)(B)(2)" should read "(b)(3)(ii)(B)(2)".

Paragraph designation "(b)(3)(ii)(B)(2)(i)" should read "(b)(3)(ii)(B)(2)(i)".

Paragraph designation "(b)(3)(ii)(B)(2)(ii)" should read "(b)(3)(ii)(B)(2)(ii)" and in the second line of paragraph (b)(3)(ii)(B)(2)(ii), "(b)(3)(ii)(B)(2)(i)" should read "(b)(3)(ii)(B)(2)(i)".

In paragraph (b)(3)(ii)(C), the heading "Costs to develop the deceased donor SAC" should read "Costs to develop the deceased donor SAC".

Paragraph designation "(b)(3)(ii)(C)(1)" should read "(b)(3)(ii)(C)(1)".

Paragraph designation "(b)(3)(ii)(C)(2)" should read "(b)(3)(ii)(C)(2)".

Paragraph designation "(b)(3)(ii)(C)(3)" should read "(b)(3)(ii)(C)(3)".

Paragraph heading "(c)(2)(i) General." should read "(c)(2)(i) General."

On page 72289, in the first column: Paragraph heading "(c)(2)(ii) Initial year." should read "(c)(2)(ii) Initial year."

Paragraph heading "(c)(2)(iii) Subsequent years." should read "(c)(2)(iii) Subsequent years."

Paragraph heading “(c)(2)(iv) SAC adjustments.” should read “(c)(2)(iv) SAC adjustments.”

Paragraph heading “(c)(3) Billing SACs for organs generally.” Should read “(c)(3) Billing SACs for organs generally.”

[FR Doc. C2–2022–23918 Filed 8–31–23; 8:45 am]

BILLING CODE 1505–01–D

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[WC Docket No. 21–450; FCC 23–62; FR ID 167068]

#### Affordable Connectivity Program

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (FCC or Commission) adopts rules to establish the enhanced discounts available for monthly broadband services provided in high-cost areas by participants in the Affordable Connectivity Program (ACP).

**DATES:** Effective October 2, 2023.

**FOR FURTHER INFORMATION CONTACT:** For further information, please contact, Travis Hahn, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, at [Travis.Hahn@fcc.gov](mailto:Travis.Hahn@fcc.gov) or 202–418–7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Sixth Report and Order (Order) in WC Docket No. 21–450; adopted on August 3, 2023 and released on August 4, 2023. The full text of this document is available at the following internet address: <https://www.fcc.gov/document/fcc-acts-provide-subsidy-consumers-certain-high-cost-areas-0>.

#### I. Introduction

1. In this final rule, as required by the Infrastructure Investment and Jobs Act (Infrastructure Act), the Commission adopts rules to establish the enhanced discounts available for monthly broadband services provided in high-cost areas by participants in the ACP. The Infrastructure Act recognizes that in certain high-cost areas of the country, offering broadband service to ACP eligible households at the standard up-to-\$30 monthly benefit level could lead providers to experience particularized economic hardship such that the provider may not be able to maintain the operation of part or all of its broadband network. To address this, the

Infrastructure Act allows for providers to provide an up-to-\$75 monthly benefit to ACP eligible households in high-cost areas upon a showing of such particularized economic hardship in a given high-cost area. The steps the Commission takes to implement this provision will help narrow the digital divide by ensuring that more low-income households throughout the country, including households in rural and insular areas, have access to discounted broadband services. In particular, the high-cost area benefit will maximize provider participation in the ACP, by encouraging additional providers to participate in the ACP in high-cost areas and incentivizing existing ACP providers experiencing an economic hardship in high-cost areas to continue participating in the program. The high-cost area benefit also complements and supports other Federal initiatives, including those in the Infrastructure Act, to spur deployment and adoption in rural areas by strengthening the business case for providers to deploy broadband in rural and insular areas.

#### II. Discussion

2. The Commission now establishes the requirements to implement the ACP high-cost area benefit as required by the Infrastructure Act. In this section, the Commission discusses determining high-cost areas that will be eligible for the high-cost area benefit, eligibility to receive the high-cost area benefit, requirements to make a showing of economic hardship, as well as other administrative aspects necessary to implement the high-cost area benefit.

3. Pursuant to the Infrastructure Act, for purposes of the ACP high-cost area benefit, the Commission must use the definition of high-cost areas established by the National Telecommunications and Information Administration (NTIA) for its Broadband Equity, Access, and Deployment (BEAD) grant program. The ACP statutory provisions specifically reference NTIA’s determination of high-cost areas under the BEAD program in defining a high-cost area for the ACP high-cost area benefit. As such, the high-cost areas used by the Commission for the ACP high-cost area benefit will be the same as the high-cost areas used for the BEAD program as determined by NTIA.

4. The statute establishing the BEAD program requires NTIA, “on or after the date on which the [Commission’s] broadband DATA maps are made public,” to allocate funding to eligible States for the high-cost areas within the State. By definition, a “high-cost area” [as determined by NTIA in consultation

with the Commission] means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States.” For purposes of defining “high-cost area”, the term “unserved area” means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

5. On June 26, 2023, NTIA announced the State allocations for the BEAD grant program. As part of BEAD, NTIA has made State allocations in part based on the determined “high-cost areas” within each State. Pursuant to the Infrastructure Act, the Commission therefore makes the ACP high-cost area benefit available in those high-cost areas identified by NTIA consistent with the Infrastructure Act’s definition of “high-cost area,” and subject to the provider’s demonstration of particularized economic hardship, as described in further detail in the following.

6. The Commission next addresses the requirements for participating providers seeking to offer a high-cost area benefit to eligible households located in designated high-cost areas served by the provider. Specifically, the Commission defines “particularized economic hardship,” to clarify that the benefit is limited to facilities-based providers, and address the specific showing that participating providers must make to demonstrate they are experiencing a particularized economic hardship in a given high-cost area. The Commission also prescribes the process for submitting, reviewing, and taking action on such showings, and for requests for review of adverse decisions. Lastly, the Commission clarifies the interplay between the qualifying Tribal land and high-cost area benefits by interpreting the Infrastructure Act to mean that participating providers can either offer one or the other, but not both simultaneously, to eligible households located on both a Tribal land and in a designated high-cost area.

7. *Particularized Economic Hardship.* First, consistent with the Infrastructure Act, the Commission will require a participating provider to demonstrate economic hardship to be eligible for the high-cost area benefit. The Infrastructure Act directs the Commission to establish a mechanism whereby a “participating provider” in a high-cost area “may provide” an enhanced monthly benefit up to \$75 “upon a showing that the applicability of the lower [\$30] limit . . . would cause particularized economic hardship to the provider such that the provider may not be able to maintain the