

for the same harm that is the subject of the medical malpractice claim. DoD has the burden to establish the applicability and amount of any offsets.

* * * * *

(c) *Present value of future payments and benefits.* In determining offsets under this section from economic damages, DoD will use the present value of future payments and benefits. * * *

(d) *Information considered.* * * * Claimants must provide information not available to DoD, but requested by DoD, for the purpose of determining offsets.

(e) *Benefits and payments that may be considered as potential offsets.* The general rule is that potential damages calculated under this part may be offset only by DoD or VA payments and benefits that are primarily funded by Government appropriations. Potential damages calculated under this part are not offset by U.S. Government payments and benefits that are substantially funded by the military member. The following examples are provided for illustrative purposes only, are not all-inclusive, and are subject to adjustment as appropriate.

(1) The following DoD and VA payments and benefits are primarily funded from Government appropriations and will be offset:

(i) Disability retired pay in the case of retirement due to the disability caused by the alleged medical malpractice.

(ii) Disability severance pay in the case of non-retirement disability separation caused by the alleged medical malpractice.

(iii) Incapacitation pay.

(iv) Involuntary and voluntary separation pays and incentives.

(v) Death gratuity.

(vi) Housing allowance continuation.

(vii) Survivor Benefit Plan.

(viii) VA disability compensation, to include Special Monthly Compensation, attributable to the disability resulting from the malpractice.

(ix) VA Dependency and Indemnity Compensation, attributable to the disability resulting from the malpractice.

(x) Special Survivor Indemnity Allowance.

(xi) Special Compensation for Assistance with Activities of Daily Living.

(xii) Program of Comprehensive Assistance for Family Caregivers.

(xiii) Fry Scholarship.

(xiv) TRICARE coverage, including TRICARE-for-Life, for a disability retiree, family, or survivors. Future TRICARE coverage is part of the Government's compensation package for a disability retiree or survivor.

(2) The following U.S. Government payments and benefits are substantially funded by the military members or are otherwise generally not eligible for consideration as potential offsets:

(i) Servicemembers Group Life Insurance.

(ii) Traumatic Servicemembers Group Life Insurance.

(iii) Social Security disability benefits.

(iv) Social Security survivor benefits.

(v) Prior Government contributions to a Thrift Savings Plan.

(vi) Commissary, exchange, and morale, welfare, and recreation facility access.

(vii) Value of legal assistance and other services provided by DoD.

(viii) Medical care provided while in active service or in an active status prior to death, retirement, or separation.

Dated: October 12, 2023.

Patricia L. Toppings,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 2023-23013 Filed 10-19-23; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2023-0652]

RIN 1625-AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, at Jupiter, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily modify the operating schedule that governs the Indiantown Road Bridge across the Atlantic Intracoastal Waterway (AICW), mile 1006.2, at Jupiter, Florida. This action is necessary to alleviate vehicle traffic congestion on the Indiantown Road Bridge caused by the replacement and closure of a nearby bridge. Once construction of the nearby bridge has been completed, the Indiantown Road Drawbridge will return to normally scheduled operations. We invite your comments on this proposed rulemaking. **DATES:** Comments and related material must reach the Coast Guard on or before November 20, 2023.

The Coast Guard anticipates that this proposed rule will be effective from 12:01 a.m. on December 30, 2023, through 11:59 p.m. on August 31, 2025.

ADDRESSES: You may submit comments identified by docket number USCG-2023-0652 using Federal Decision Making Portal at <https://www.regulations.gov>.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Leonard Newsom, Seventh District Bridge Branch, Coast Guard; telephone (305) 415-6946, email Leonard.D.Newsom@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
FL Florida
AICW Atlantic Intracoastal Waterway
FDOT Florida Department of Transportation

II. Background, Purpose and Legal Basis

Indiantown Road Bridge across the Atlantic Intracoastal Waterway (AICW), mile 1006.2, at Jupiter, Florida, is a double-leaf bascule bridge with 35 feet of vertical clearance in the closed position. The normal operating schedule for the bridge is set forth in 33 CFR 117.261(q). Navigation on the waterway consists of recreational and commercial mariners.

The bridge owner, Florida Department of Transportation (FDOT), requested the Coast Guard consider allowing this change during the replacement and closure of a nearby bridge. The closing of the nearby bridge has resulted in significant increase in vehicle traffic congestion of the area. The only alternate route for land traffic to access the mainland is via the Donald Ross Bridge approximately 4.5 miles south of the Indiantown Road Bridge. This proposed temporary rule will reduce the number of drawbridge openings which will subsequently allow local vehicle traffic to flow with reduced obstructions and delays.

III. Discussion of Proposed Rule

The proposed temporary rule will allow the drawbridge to remain closed to navigation during weekday vehicle commuting hours. Under this proposed temporary rule, the drawbridge would remain closed to vessel traffic daily

from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. At all other times the bridge would open on the hour and half hour. Vessels that can pass beneath the bridge without an opening may do so at any time.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on 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 proposed rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the fact that vessels can still transit the bridge at designated times throughout the day, and vessels that can transit under the bridge without an opening may do so at any time. This proposed temporary rule will further meet the reasonable needs of navigation while taking into consideration the reasonable needs of vehicular traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity

and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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 proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f). The Coast Guard has 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 proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2023–0652 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted, or a temporary final rule is published of any posting or updates to the docket.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 00170.1. Revision No. 01.3.

■ 2. Stay § 117.261(q) from 12:01 a.m. on December 30, 2023, through 11:59 p.m. on August 31, 2025.

■ 3. Add temporary § 117.261(p) from 12:01 a.m. on December 30, 2023, through 11:59 p.m. on August 31, 2025, to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(p) Indiantown Road Bridge, mile 1006.2, at Jupiter. The draw shall open on the hour and half hour except that the draw need not open daily from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

* * * * *

Dated: October 13, 2023.

Douglas M. Schofield,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Seventh District.

[FR Doc. 2023–23259 Filed 10–19–23; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 23–336; RM–11967; DA 23–936; FR ID 177970]

Television Broadcasting Services Wittenberg and Shawano, Wisconsin

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Video Division, Media Bureau (Bureau) has before it a petition for rulemaking filed by TV–49, Inc. (Petitioner or TV–49), the permittee of an unbuilt television station on channel 31 allotted to Wittenberg, Wisconsin. TV–49 requests an amendment of the Table of TV Allotments to delete channel 31 at Wittenberg and substitute channel 31 at Shawano, Wisconsin, consistent with the technical parameters set forth in the Petition, as amended. The Petitioner further requests modification of its construction permit to specify Shawano as its community of license.

DATES: Comments must be filed on or before November 20, 2023 and reply comments on or before December 4, 2023.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Matthew S. Delnero, Esq., Covington & Burling, LLP, 850 Tenth Street NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at Joyce.Bernstein@fcc.gov.

SUPPLEMENTARY INFORMATION: The Commission has stated that it will apply the modification procedure in section 1.420(i) of the rules, which provides that the Commission may, in connection with a rulemaking proceeding to amend the Table of TV Allotments, modify a station’s license or construction permit to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest, where the new allotment will be mutually exclusive

with a station’s existing allotment. The Technical Exhibit submitted with the Amended Petition demonstrates that the proposed allotment of channel 31 at Shawano is mutually exclusive with the current allotment at Wittenberg, and is otherwise in compliance with all of our technical rules. The Petitioner also emphasizes that Wittenberg will not lose any existing service because as a permittee, TV–49 has not commenced operations in Wittenberg, and thus no viewers have come to rely on any existing service, a factor the Commission has found to be mitigating in the context of whether it would remove the sole channel allotted to a community. Moreover, the Petitioner states that the communities are only thirty miles apart and Wittenberg will still be within the noise limited contour of the channel 31 facility constructed at Shawano. The Petitioner further asserts that providing Shawano, the county seat of Shawano County and a community that is nine times larger than Wittenberg, with its first local television service is the type of rare circumstance which justifies a waiver of the general prohibition on the removal of a community’s sole first local service. According to the Petitioner, Shawano’s Census 2020 population is 9,243 people, while Wittenberg’s Census 2020 population is 1,015. Shawano is governed by a mayor and six alderpersons, who collectively comprise its Common Council. The Shawano school district operates five public schools, there are also three religiously-affiliated private schools in Shawano, and Northeast Wisconsin Technical College also operates a Regional Learning Campus in Shawano. Shawano also provides a number of municipal services through the Shawano-Bonduel Municipal Court, the Shawano Department of Public Works, the Shawano Police Department, and the Shawano Municipal Utilities. Petitioner states that given the foregoing, it is clear that Shawano has the population and public services indicative of a community deserving of its own television station. Moreover, the Petitioner asserts that six licensed full power television stations currently provide noise-limited service to all of Wittenberg and the Petitioner demonstrates that once the Station commences operations it will also provide noise-limited service to Wittenberg.

This is a synopsis of the Commission’s *Notice of Proposed Rulemaking*, MB Docket No. 23–336; RM–11967; DA 23–936, adopted October 6, 2023, and released October 6,