

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 493

[CMS-3326-CN]

RIN 0938-AT47

Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS) and Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Final rule; correction.

SUMMARY: This document corrects technical and typographical errors in the final rule that appeared in the December 28, 2023, *Federal Register* entitled, “Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories” (referred to hereafter as the “December 2023 final rule”).

DATES: This correction is effective January 27, 2024.

FOR FURTHER INFORMATION CONTACT: Penny Keller, CMS, (410) 786-2035; or Heather Stang, CDC, (404) 498-2769.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2023-28170 of December 28, 2023, the December 2023 final rule (88 FR 89976), there were technical and typographical errors that are identified and corrected in this correcting document. These corrections are effective as if they had been included in the December 2023 final rule.

II. Summary of Errors in the Regulation Text

On page 90040, in the revision for § 493.1423(b)(7)(i), we inadvertently omitted two redesignated paragraph references for individuals who meet the regulatory qualifications to perform blood gas analysis. We are correcting the revision for § 493.1423(b)(7)(i) to include references to § 493.1423(b)(5) and (6).

On page 90043, in amendatory instruction 30, we inadvertently omitted the specific paragraph references for the changes to paragraph (e), which were set out in the amendment text. We are

correcting the instruction to specify paragraphs (e)(1) through (4).

On page 90044, in the revisions for § 493.1483(b)(3), we inadvertently omitted the December 28, 2024 effective date.

On page 90044, in amendatory instruction 37, we inadvertently included an incorrect effective date. The December 2023 final rule contained two separate effective dates, January 27, 2024, and December 28, 2024 and we erroneously included the December 28, 2024, effective date rather than the January 27, 2024, effective date.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rulemaking in the *Federal Register* before the provisions of a rule take effect. Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the *Federal Register*.

Section 553(b)(B) of the APA authorizes an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest. In addition, section 553(d)(3) of the APA allows the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

We believe this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements. This document merely corrects technical and typographical errors in the December 2023 final rule but does not make substantive changes to the policies that were adopted in the December 2023 final rule. Instead, this correcting document is intended to ensure that the information in the December 2023 final rule accurately reflects the policies adopted in that document.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the December 2023 final rule or delaying the effective date would be contrary to the public interest because it is in the public’s interest to ensure that the December 2023 final rule accurately reflects the policies finalized

in that final rule. Furthermore, such procedures would be unnecessary, as we are not altering our policies, but rather, we are simply correctly implementing the policies we finalized. This final rule correction is intended to ensure that the December 2023 final rule accurately reflects those policies. Therefore, we believe we have good cause to waive the notice and comment and delayed effective date requirements.

IV. Correction of Errors in the Regulation Text

In FR Doc. 2023-28170 of Thursday, December 28, 2023 (88 FR 89976), we are making the following corrections:

§ 493.1423 [Corrected]

■ 1. On page 90040, in the third column, in § 493.1423(b)(7)(i), “(i) Be qualified under paragraph (b)(1), (2), (3), or (4) of this section; or” is corrected to read “(i) Be qualified under paragraph (b)(1), (2), (3), (4), (5), or (6) of this section; or”.

§ 493.1461 [Corrected]

■ 2. On page 90043, in the third column, amendment 30, the instruction “Effective December 28, 2024, amend § 493.1461 by revising paragraphs (c), (d)(3)(i), and (e) to read as follows:” is corrected to read “Effective December 28, 2024, amend § 493.1461 by revising paragraphs (c), (d)(3)(i), and (e)(1) through (4) to read as follows:”.

§ 493.1483 [Corrected]

■ 3. On page 90044, in the second column, in § 493.1483(b)(3), “(3) Notwithstanding any other provision of this section, an individual is considered qualified as a cytotechnologist under this section if they were qualified and serving as a cytotechnologist in a CLIA-certified laboratory as of [effective date of the final rule], and have done so continuously since December 28, 2024” is corrected to read “(3) Notwithstanding any other provision of this section, an individual is considered qualified as a cytotechnologist under this section if they were qualified and serving as a cytotechnologist in a CLIA-certified laboratory as of December 28, 2024, and have done so continuously since December 28, 2024”.

§ 493.1804 [Corrected]

■ 4. On page 90044, in the third column, amendment 37, the instruction “Effective December 28, 2024, amend § 493.1804 by revising paragraph (c)(1) to read as follows:” is corrected to read “Effective January 27, 2024, amend

§ 493.1804 by revising paragraph (c)(1) to read as follows:”.

Elizabeth J. Gramling, Executive Secretary to the Department, Department of Health and Human Services. [FR Doc. 2024-01942 Filed 1-26-24; 5:15 pm] BILLING CODE 4120-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2500

RIN 3045-AA83

AmeriCorps Statement of Organization

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service (CNCS), which operates as AmeriCorps, is finalizing a rule to provide general information to the public about its structure and purpose, as required by the Administrative Procedure Act. While AmeriCorps already provides

information about its organizational structure on its public-facing website (americorps.gov), this rule would comply with the statutory requirement that agencies publish in the Federal Register their descriptions of organization. This rule will also increase transparency regarding AmeriCorps’ operations by mapping out its existing program regulations, thereby providing an overview of the Agency’s programs.

DATES: This rule is effective March 4, 2024.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Appel, Office of General Counsel, at (202) 967-5070, or eappel@americorps.gov.

SUPPLEMENTARY INFORMATION:

I. Background

AmeriCorps, the operating name for the Corporation for National and Community Service, is a Federal agency that engages millions of Americans in service. AmeriCorps members and AmeriCorps Seniors volunteers serve directly with nonprofit, tribal, faith-

based, or community organizations to tackle some of our nation’s most pressing challenges. Although AmeriCorps already provides information about its organizational structure on its website, americorps.gov, this rule complies with the statutory requirement that agencies “publish in the Federal Register” their descriptions of organization. See 5 U.S.C. 552(a)(1)(A). This rule will also increase transparency regarding AmeriCorps’ operations by mapping out its existing program regulations, thereby providing an overview of the Agency’s programs.

This rule adds AmeriCorps’ organizational information to Code of Federal Regulations (CFR) part 2500. Part 2500 already includes information about AmeriCorps being CNCS’s operating name and information about AmeriCorps’ logos. This rule redesignates, without substantive change, the operating name and logo sections to new sections later in the CFR part and adds subpart designations. The following is a breakdown of the new and redesignated sections:

Table with 3 columns: Current 45 CFR section, New 45 CFR section, and Description of change. It lists changes to sections 2500.1 through 2500.32, including subparts A, B, C, and D, and various sections under each subpart.

The new sections describe AmeriCorps’:

- Statutory basis and origination;
• Purpose, to administer the programs established under the national service laws; and mission, to improve lives, strengthen communities, and foster civic engagement through service and volunteering;
• Organization, including the roles of the Chief Executive Officer and the Board of Directors;
• Headquarters, including leadership positions; and region offices, referring to AmeriCorps’ website for details on contact information;
• Four main national service programs: AmeriCorps NCCC, AmeriCorps Seniors, AmeriCorps State and National, and AmeriCorps VISTA; and

- Focus areas, which include, but are not limited to, disaster services, economic opportunity, education, environmental stewardship, healthy futures, and veterans and military families.

Edits to the sections addressing AmeriCorps’ logos specify the logos’ fonts and the direction of the flag in the logos and make minor grammatical changes.

II. Responses to Comments on Proposed Rule and Changes to Proposed Rule

AmeriCorps published the proposed rule on May 2, 2023. See 88 FR 27423. AmeriCorps received three written comment submissions prior to the July 3, 2023, deadline for public comments. All three comments expressed opposition to AmeriCorps’ regional

structure under the Office of Regional Operations and the logos and branding that resulted from the “Transformation and Sustainability Plan” that AmeriCorps adopted several years ago. Commenters recounted multiple challenges with the regional structure that replaced the State Office structure. AmeriCorps currently operates through the regional structure and strives to address grantees’ concerns or the difficulties they face within that structure. However, because the rule merely describes the regional structure under which AmeriCorps currently operates, AmeriCorps is not reconsidering its structure at this time, and is proceeding with finalization of the description contained in the rule. However, AmeriCorps appreciates the