

industrial research and industrial design services; quality control and authentication services; design and development of computer hardware and software.

43. Services for providing food and drink; temporary accommodation.

44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, aquaculture, horticulture and forestry services.

45. Legal services; security services for the physical protection of tangible property and individuals; dating services, online social networking services; funerary services; babysitting.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2022-22065 Filed 10-7-22; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 4**

**RIN 2900-AO19**

**Schedule for Rating Disabilities: The Hematologic and Lymphatic Systems; Correction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendments.

**SUMMARY:** On October 29, 2018, the Department of Veterans Affairs (VA) published in the **Federal Register** a final rule that amended the portion of the VA Schedule for Rating Disabilities (“VASRD” or “rating schedule”) that addresses the hematologic and lymphatic systems. This correction

addresses two typographical errors in the text of a 100-percent disability evaluation language under diagnostic code (DC) 7718, Essential Thrombocythemia and Primary Myelofibrosis, and Note (2) under DC 7718 in the published final rule.

**DATES:** This correction is effective October 11, 2022. The correction is applicable as of December 9, 2018.

**FOR FURTHER INFORMATION CONTACT:** Leah Carey, Regulations Analyst, VASRD Program Management Office (218A), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-9700. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** VA is correcting its regulations published on October 29, 2018, in the **Federal Register** at 83 FR 54250 in the final rule “RIN 2900-AO19, Schedule for Rating Disabilities: The Hematologic and Lymphatic Systems”. The first error is within the text of the 100 percent evaluation for diagnostic code (DC) 7718 Essential Thrombocythemia and Primary Myelofibrosis. Within the preamble of the proposed rule, VA proposed a 100-percent evaluation in cases requiring either continuous myelosuppressive therapy or, for six months following hospital admission, any of the following treatments: peripheral blood or bone marrow stem cell transplant, or chemotherapy, or radioactive phosphorus. (See 80 FR 46888 published August 6, 2015.) Within the final rule, VA replaced radioactive phosphorus with interferon treatment because radioactive phosphorus is an outdated treatment and interferon alpha treatment is in line with current clinical practice. (See 83

FR 54253 published October 29, 2018.) However, VA omitted “any of the following treatments:” in the regulatory text of its proposed and final rules. VA corrects this error by adding the phrase “for any of the following treatments:” after the words “hospital admission” of the 100-percent disability evaluation criteria under DC 7718.

The second error is within the text of Note (2) under DC 7718. VA excluded interferon treatment from its discussion regarding the assignment of 100 percent evaluations and mandatory VA examinations following hospital admission. To promote clarity and the consistency of application of its rating schedule, VA adds interferon treatment to the list of treatments to the text on Note (2). This change is editorial in nature and does not result in any substantive changes to the rating criteria.

**List of Subjects in 38 CFR Part 4**

Disability benefits, Pensions, Veterans.

For the reasons set out in the preamble, 38 CFR part 4 is corrected by making the following correcting amendment:

**PART 4—SCHEDULE FOR RATING DISABILITIES**

■ 1. The authority citation for part 4 continues to read as follows:

**Authority:** 38 U.S.C. 1155, unless otherwise noted.

■ 2. Amend § 4.117 by revising the entry for diagnostic code 7718 to read as follows:

**§ 4.117 Schedule of ratings—hematologic and lymphatic systems.**

\* \* \* \* \*

Rating

	*
7718 Essential thrombocythemia and primary myelofibrosis:	
Requiring either continuous myelosuppressive therapy, or, for six months following hospital admission for any of the following treatments: peripheral blood or bone marrow stem cell transplant, or chemotherapy, or interferon treatment .....	100
Requiring continuous or intermittent myelosuppressive therapy, or chemotherapy, or interferon treatment to maintain platelet count <500 × 10 <sup>9</sup> /L .....	70
Requiring continuous or intermittent myelosuppressive therapy, or chemotherapy, or interferon treatment to maintain platelet count of 200,000–400,000, or white blood cell (WBC) count of 4,000–10,000 .....	30
Asymptomatic .....	0

**Note (1):** If the condition undergoes leukemic transformation, evaluate as leukemia under diagnostic code 7703.

**Note (2):** A 100 percent evaluation shall be assigned as of the date of hospital admission for peripheral blood or bone marrow stem cell transplant; or during the period of treatment with chemotherapy (including myelosuppressants) or interferon treatment. Six months following hospital discharge or, in the case of chemotherapy treatment, six months after completion of treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any reduction in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter.

\* \* \* \* \*

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2022-21995 Filed 10-7-22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2019-0140; EPA-HQ-OAR-2021-0663; FRL-9782-02-R8]

### Air Plan Approval; Colorado; Addressing Remanded Portions of the Previously Approved Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** On January 5, 2021, the United States Court of Appeals for the Tenth Circuit granted the Environmental Protection Agency's (EPA) motion for a voluntary remand without vacatur of two parts of an EPA 2020 final rule approving Colorado's infrastructure state implementation plan (SIP) submission for the 2015 8-hour ozone national ambient air quality standards (NAAQS) (2020 final rule). In this document, EPA is taking final action to approve those two remanded parts of the 2020 final rule. First, EPA is finalizing our conclusion that Colorado's infrastructure SIP submission meets the State's good neighbor obligations under Clean Air Act (CAA) section 110(a)(2)(D)(i)(I). Lastly, EPA is also finalizing our conclusion that Colorado's infrastructure SIP submission provided "necessary assurances" of the State's authority to regulate agricultural sources under CAA section 110(a)(2)(E)(i). EPA is taking this action pursuant to the CAA.

**DATES:** This rule is effective on November 10, 2022.

**ADDRESSES:** EPA has established two dockets for this action. The regional docket, Docket ID No. EPA-R08-OAR-2019-0140 contains information specific to Colorado, including this final rule document, and the notice of proposed rulemaking. Docket ID No. EPA-HQ-OAR-2021-0663 contains additional modeling files, emissions inventory files, technical support documents, and other relevant supporting documentation regarding interstate transport of emissions for the

2015 8-hour ozone NAAQS which were used to support EPA's proposed approval. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the docket, some information may not be publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

#### FOR FURTHER INFORMATION CONTACT:

Amrita Singh, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, telephone number: (303) 312-6103, email address: [singh.amrita@epa.gov](mailto:singh.amrita@epa.gov); or Ellen Schmitt, telephone number: (303) 312-6728, email address: [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" means EPA.

### I. Background

On May 6, 2022 (88 FR 27050), EPA published a document in the **Federal Register** proposing approval of the two remanded parts of EPA's 2020 final rule.<sup>1</sup> EPA's May 2022 proposed approval addressed (1) the adequacy of Colorado's infrastructure submission for the 2015 8-hour ozone NAAQS under the CAA's "good neighbor provision,"<sup>2</sup> which generally requires SIPs to contain adequate provisions to prohibit in-state emissions from significantly contributing to nonattainment or interfering with the maintenance in another state, and (2) the adequacy of Colorado's infrastructure submission for the 2015 8-hour ozone NAAQS under CAA section 110(a)(2)(E)(i), particularly with respect to Colorado's authority to regulate agricultural sources.<sup>3</sup> The rationale for EPA's proposed action is included in the May 6, 2022 proposal and will not be repeated here.

### II. Response to Comments

EPA received comments on the proposed rule from an individual citizen and the Center for Biological

Diversity (the Center). We summarize and respond to the comments below.

#### Individual Citizen

**Comment:** The commenter initially states that "concerns regarding the 2015 Ozone NAAQS infrastructure requirements highlight potential problems regarding both the 'Good Neighbor Provision' CAA section 110(a)(2)(D)(i)(I), as well as the adequate implementation of [the] SIP regarding CAA section 110(a)(2)(E)(i)." The commenter believes that EPA's use of the 4-step interstate transport framework is an effective method to address the previously mentioned concerns, but that there needs to be adequate implementation and "more stringent regulations reinforced regarding step 3 and step 4, of the 4-step interstate transport framework." The commenter recommends two "strategies" in order to make the 4-step framework more stringent. For Step 3, the commenter suggests re-evaluating Prevention of Significant Deterioration (PSD) regulations, with a focus on "improving standards" related to Best Available Control Technology (BACT). Regarding Step 4, the commenter recommends that EPA adopt measures to reduce carbon via a cap-and-trade system.

**Response:** These comments are not relevant to the action EPA proposed. In the proposed rule, EPA applied the well-established 4-step framework for assessing interstate ozone transport to determine whether Colorado's infrastructure SIP meets the requirements of CAA section 110(a)(2)(D)(i)(I). We invited comment on our conclusions with respect to Colorado's infrastructure SIP, but did not invite comment on the integrity and process of the 4-step framework itself.<sup>4</sup> Further, we determined that Colorado's emissions do not contribute at or above the threshold of 1 percent of the 2015 8-hour ozone NAAQS (0.70 parts per billion (ppb)) to any downwind nonattainment or maintenance receptor at Step 2 of the 4-step interstate transport framework, and thus did not reach the steps of the 4-step framework discussed in this comment, i.e., analysis of potential emissions controls at Step 3 or permanent and federally enforceable control strategies to achieve emissions reductions at Step 4.<sup>5,6</sup> Thus, the

<sup>4</sup> 87 FR 27054.

<sup>5</sup> 87 FR at 27056-58.

<sup>1</sup> 2020 final rule. Approval and Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards; Colorado and North Dakota, 85 FR 20169 (April 10, 2020).

<sup>2</sup> 42 U.S.C. 7410(a)(2)(D)(i)(I).

<sup>3</sup> 42 U.S.C. 7410(a)(2)(E)(i).

<sup>6</sup> EPA's determination not to further evaluate Colorado's contributions at Steps 3 or 4 of the interstate transport framework was additionally supported by the analysis provided in the Uinta Basin technical support document (TSD) of this