

or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have 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 rule involves two safety zones to protect waterway users that would prohibit entry within 250 yards of dredging operations and will close only one side of the main navigation channel. Vessels can request permission to enter the channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T05–1004, to read as follows.

#### § 165.T05–1004 Safety Zones, Delaware River Dredging; Marcus Hook, PA.

(a) *Location.* The following areas are safety zones: (1) Safety zone one includes all waters within 250 yards of the dredge displaying lights and shapes for vessels restricted in ability to maneuver as described in 33 CFR 83.27, as well as all related dredge equipment, while the dredge is operating in Marcus Hook Range. For enforcement purposes Marcus Hook Range includes all navigable waters of the Delaware River shoreline to shoreline, bound by a line drawn perpendicular to the center line of the channel at the farthest upriver point of the range to a line drawn perpendicular to the center line of the channel at the farthest downriver point of the range.

(2) Safety zone two includes all the waters of Anchorage 7 off Marcus Hook Range, as described in 33 CFR 110.157(a)(8) and depicted on U.S. Nautical Chart 12312.

(b) *Definitions.* As used in this section—

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to assist with enforcement of the safety zone described in paragraph (a) of this section.

(c) *Regulations.* (1) Entry into or transiting within the safety zone one is prohibited unless vessels obtain permission from the Captain of the Port via VHF–FM channel 16 or 215–271–4807, or make satisfactory passing arrangements via VHF–FM channel 13 or 16 with the operating dredge per this section and the rules of the Road (33 CFR subchapter E). Vessels requesting to transit shall contact the operating dredge via VHF–FM channel 13 or 16 at least 1 hour prior to arrival.

(2) Vessels desiring to anchor in safety zone two, Anchorage 7 off Marcus Hook Range, must obtain permission from the COTP at least 24 hours in advance by calling (215) 271–4807. The COTP will permit, at maximum, one vessel at a time to anchor on a “first-come, first-served” basis. Vessels will only be allowed to anchor for a 12 hour period. Vessels that require an examination by

the Public Health Service, Customs, or Immigration authorities will be directed to an anchorage for the required inspection by the COTP.

(3) Vessels desiring to anchor in safety zone two, Anchorage 7 off Marcus Hook Range, must be at least 650 feet in length overall.

(4) This section applies to all vessels except those engaged in the following operations: enforcement of laws, service of aids to navigation, and emergency response.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by federal, state and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This rule will be enforced from January 10, 2023, through April 15, 2023, unless cancelled earlier by the Captain of the Port.

Dated: January 10, 2023.

**Jonathan D. Theel,**

*Captain, U.S. Coast Guard Captain of the Port, Delaware Bay.*

[FR Doc. 2023–00665 Filed 1–13–23; 8:45 am]

**BILLING CODE 9110–04–P**

### DEPARTMENT OF DEFENSE

#### Department of the Army, Corps of Engineers

#### 33 CFR Part 277

[COE–2020–0012]

RIN 0710–AB35

#### Water Resources Policies and Authorities: Navigation Policy: Cost Apportionment of Bridge Alterations

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the U.S. Army Corps of Engineers’ part titled Water Resources Policies and Authorities: Navigation Policy: Cost Apportionment of Bridge Alterations. Each removed section of this part is out-of-date and otherwise covers internal agency operations that have no public compliance component or adverse public impact. Therefore, this part can be removed from the CFR.

**DATES:** This rule is effective on January 17, 2023.

**ADDRESSES:** Department of the Army, U.S. Army Corps of Engineers, ATTN: CECW–EC (Mr. Robert Bank), 441 G Street NW, Washington, DC 20314–1000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy K. Frantz at (202) 761–0106 or by email at [Amy.K.Frantz@usace.army.mil](mailto:Amy.K.Frantz@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This final rule removes 33 CFR part 277, Water Resources Policies and Authorities: Navigation Policy: Cost Apportionment of Bridge Alterations. The rule was initially published in the **Federal Register** on May 30, 1979 (44 FR 31129). The regulation was promulgated to adapt Coast Guard procedures under the Truman-Hobbs Act in 33 U.S.C. 516 to Corps navigation project feasibility plan formulation, with regard to apportionment of costs between Bridge Owners and the Government, when the Government requires bridge alteration to avoid obstruction of navigation. The underlying Coast Guard procedures for bridge alteration cost apportionment at 33 CFR 116.50 were updated in 1995 (60 FR 20902) while the Corps' regulation was never subsequently amended. The calculations for the cost apportionment are the responsibility of the Coast Guard and the Corps uses the current Coast Guard calculations in planning formulations for new projects when they involve bridges falling under the Truman-Hobbs Act. The rule was published, at that time, in the **Federal Register** to aid public accessibility. The solicitation of public comment for this removal is unnecessary because the rule is out-of-date and otherwise covers internal agency operations that have no public compliance component or adverse public impact. Applicable guidance on bridge alteration cost apportionment is found in current Coast Guard procedures at 33 CFR 116.50. Apportionment of costs under the Truman-Hobbs Act. For current public accessibility purposes, the internal implementing process for the applicable guidance is in Engineer Regulation 1165-2-25, "Navigation Policy: Cost Apportionment of Bridge Alterations" (available at [https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_1165-2-25.pdf?ver=2013-09-08-233442-167](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1165-2-25.pdf?ver=2013-09-08-233442-167)). The agency policy is only applicable to field operating activities having Civil Works responsibilities and provides guidance specific to the Corps' policies and guidelines for the apportionment of bridge alteration costs required in connection with navigation improvements recommended in reports transmitted to the Chief of Engineers for approval or submitted to Congress for authorization.

This rule removal is being conducted to reduce confusion for the public as well as for the Corps regarding the current policy which governs the Corps' cost apportionment of bridge alterations. Because the regulation does not place a

burden on the public, its removal does not provide a reduction in public burden or costs.

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review."

#### List of Subjects in 33 CFR Part 277

Bridges, Coast Guard, Navigation (water).

#### PART 277—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 33 CFR part 277 is removed.

Approved by:

**Michael L. Connor,**

*Assistant Secretary of the Army (Civil Works).*

[FR Doc. 2023-00538 Filed 1-13-23; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900-AR50**

#### Emergent Suicide Care

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Interim final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) amends its medical regulations to implement section 201 of the Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020, which directs VA to furnish, reimburse, and pay for emergent suicide care for certain individuals, to include the provision of emergency transportation necessary for such care.

**DATES:**

*Effective date:* This interim final rule is effective on March 20, 2023.

*Comments:* Comments must be received on or before March 20, 2023.

**ADDRESSES:** Comments must be submitted through [www.regulations.gov](http://www.regulations.gov). Except as provided below, comments received before the close of the comment period will be available at [www.regulations.gov](http://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: <http://www.regulations.gov>. VA will not post on [Regulations.gov](http://www.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:**

Joseph Duran, Office of Integrated Veteran Care (16EO3), Veterans Health Administration, Department of Veterans Affairs, Ptarmigan at Cherry Creek, Denver, CO 80209; (303) 370-1637. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On

December 5, 2020, the Veterans Comprehensive Preventions, Access to Care and Treatment Act of 2020, Public Law (Pub. L.) 116-214 (the Act), was enacted into law. Section 201 of the Act created a new section 1720J in title 38, United States Code (U.S.C.), to authorize VA to provide emergent suicide care to certain individuals. Section 1720J(b) of 38 U.S.C. provides that an individual is eligible for emergent suicide care if they are in acute suicidal crisis and are either (1) a veteran as defined in 38 U.S.C. 101, or (2) an individual described in 38 U.S.C. 1720I(b). Individuals described in section 1720I(b) are (1) former members of the Armed Forces, including the reserve components; who, (2) while serving in the active military, naval, air, or space services, were discharged or released therefrom under a condition that is not honorable but is also not (A) a dishonorable discharge or (B) a discharge by court-martial; who (3) is not enrolled in the health care system established by section 1705 of title 38 U.S.C.; and (4)(A)(i) served in the Armed Forces for a period of more than 100 cumulative days; and (ii) was deployed in a theater of combat operations, in support of a contingency operation, or in an area at a time during which hostilities are occurring in that area during such service, including by controlling an unmanned aerial vehicle from a location other than such theater or area; or (B) while serving in the Armed Forces, was the victim of a physical assault of a sexual nature, a battery of a sexual nature, or sexual harassment (as defined in section 1720D(f) of title 38 U.S.C.).

Section 1720J(a) requires VA to (1) furnish emergent suicide care to an eligible individual at a medical facility of the Department; (2) pay for emergent suicide care provided to an eligible individual at a non-Department facility; and (3) reimburse an eligible individual for emergent suicide care provided to