

State party	Cultural property	Decision No.
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Peru .....	Archaeological artifacts and ethnological material from Peru .....	CBP Dec. 22–11.
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**Robert F. Altneu,**

*Director, Regulations & Disclosure Law  
Division, Regulations & Rulings, Office of  
Trade, U.S. Customs and Border Protection.*

Approved:

**Thomas C. West Jr.,**

*Deputy Assistant Secretary of the Treasury  
for Tax Policy.*

[FR Doc. 2022–12299 Filed 6–7–22; 8:45 am]

BILLING CODE 9111–14–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 870

[Docket No. FDA–2021–N–0600]

#### Medical Devices; Cardiovascular Devices; Classification of the Intravascular Bleed Monitor

**AGENCY:** Food and Drug Administration,  
HHS.

**ACTION:** Final amendment; final order.

**SUMMARY:** The Food and Drug Administration (FDA or we) is classifying the intravascular bleed monitor into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the intravascular bleed monitor's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

**DATES:** This order is effective June 8, 2022. The classification was applicable on March 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** LT Stephen Browning, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2106, Silver Spring, MD 20993–0002, 240–402–5241, [Stephen.Browning@fda.hhs.gov](mailto:Stephen.Browning@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Background

Upon request, FDA has classified the intravascular bleed monitor as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as “postamendments devices” because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through “De Novo” classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see 21 U.S.C. 360c(f)(2)(B)(i)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see 21 U.S.C. 360c(i), defining “substantial equivalence”). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

### II. De Novo Classification

On April 23, 2018, Saranas, Inc. submitted a request for De Novo classification of the Early Bird Bleed Monitoring System. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for

its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable

assurance of the safety and effectiveness of the device.

Therefore, on March 1, 2019, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 870.1345.<sup>1</sup> We have named the generic type of device intravascular bleed monitor, and it is identified as a

probe, catheter, or catheter introducer that measures changes in bioimpedance and uses an algorithm to detect or monitor progression of potential internal bleeding complications.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—INTRAVASCULAR BLEED MONITOR RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Adverse tissue reaction .....	Biocompatibility evaluation.
Infection .....	Sterilization validation, Pyrogenicity testing, Shelf-life testing, and Labeling.
Blood loss, bleeding, hematoma .....	Human factors testing, Labeling, Animal performance testing, and Non-clinical performance testing.
Embolization (micro or macro) with transient or permanent ischemia.	Human factors testing, Labeling, Animal performance testing, and Non-clinical performance testing.
Vascular trauma ( <i>i.e.</i> , dissection, rupture, perforation, tear, etc.).	Human factors testing, Labeling, Animal performance testing, and Non-clinical performance testing.
Electrical shock .....	Electrical safety testing.
Device failure due to interference with other devices	Electromagnetic compatibility (EMC) testing, and Electrical safety testing.
Device failure due to software malfunction .....	Software verification, validation, and hazard analysis.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider if such an alternative method could be assessed for equivalency to an animal test method. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

### III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

### IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and

guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in the guidance document “De Novo Classification Process (Evaluation of Automatic Class III Designation)” have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

#### List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 870 is amended as follows:

### PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 870.1345 to subpart B to read as follows:

#### § 870.1345 Intravascular bleed monitor.

(a) *Identification.* An intravascular bleed monitor is a probe, catheter, or catheter introducer that measures changes in bioimpedance and uses an algorithm to detect or monitor progression of potential internal bleeding complications.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) In vivo animal performance testing must demonstrate that the device performs as intended under anticipated conditions of use and evaluate the following:

- (i) Device performance characteristics;
- (ii) Adverse effects, including gross necropsy and histopathology; and
- (iii) Device usability, including device preparation, device handling, and user interface.

(2) Non-clinical performance testing data must demonstrate that the device performs as intended under anticipated conditions of use. The following

<sup>1</sup> FDA notes that the “ACTION” caption for this final order is styled as “Final amendment; final order,” rather than “Final order.” Beginning in December 2019, this editorial change was made to

indicate that the document “amends” the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register’s (OFR) interpretations of the Federal Register Act (44

U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

performance characteristics must be tested:

- (i) Tensile testing of joints and materials;
  - (ii) Mechanical integrity testing;
  - (iii) Friction testing;
  - (iv) Flush testing;
  - (v) Air leakage and liquid leakage testing;
  - (vi) Latching and unlatching testing;
  - (vii) Kink and bend testing;
  - (viii) Insertion force testing;
  - (ix) Torque testing;
  - (x) Corrosion testing; and
  - (xi) Dimensional tolerance testing.
- (3) Performance data must support the sterility and pyrogenicity of the device components intended to be provided sterile.
- (4) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the identified shelf life.
- (5) The patient contacting components of the device must be demonstrated to be biocompatible.
- (6) Software verification, validation, and hazard analysis must be performed.
- (7) Performance data must demonstrate electromagnetic compatibility (EMC), electrical safety, thermal safety, and mechanical safety.
- (8) Human factors performance evaluation must demonstrate that the user can correctly use the device, based solely on reading the directions for use.
- (9) Labeling must include:
- (i) Instructions for use;
  - (ii) A shelf life and storage conditions;
  - (iii) Compatible procedures;
  - (iv) A sizing table; and
  - (v) Quantification of blood detected.

Dated: June 2, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022–12364 Filed 6–7–22; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

[Docket ID: DoD–2020–HA–0040; and DoD–2020–HA–0050]

**RIN 0720–AB81; 0720–AB82; and 0720–AB83**

#### **TRICARE Coverage and Reimbursement of Certain Services Resulting From Temporary Program Changes in Response to the COVID–19 Pandemic; Correction**

**AGENCY:** Office of the Assistant Secretary of Defense for Health Affairs, Department of Defense (DoD).

**ACTION:** Final rule; correction.

**SUMMARY:** The DoD is correcting a final rule that appeared in the **Federal Register** on June 1, 2022. The Assistant Secretary of Defense for Health Affairs issued this final rule related to certain provisions of three TRICARE interim final rules (IFRs) with request for comments issued in 2020 in response to the novel coronavirus disease 2019 (COVID–19) public health emergency (PHE). Subsequent to publication of the final rule, DoD discovered an error in the preamble. This document corrects that error.

**DATES:** This final rule correction is effective on July 1, 2022.

#### **FOR FURTHER INFORMATION CONTACT:**

Erica Ferron, Defense Health Agency, Medical Benefits and Reimbursement Section, 303–676–3626 or [erica.c.ferron.civ@mail.mil](mailto:erica.c.ferron.civ@mail.mil). Sharon Seelmeyer, Defense Health Agency, Medical Benefits and Reimbursement Section, 303–676–3690 or [Sharon.I.seelmeyer.civ@mail.mil](mailto:Sharon.I.seelmeyer.civ@mail.mil), Diagnosis Related Groups, Hospital Value Based Purchasing, Long Term Care Hospitals, and New Technology Add-On Payments.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2022–10545 appearing at 87 FR 33001–33015 in the **Federal Register** of Wednesday, June 1, 2022, the following corrections are made: On page 33007, in the third column, in section III.B.a.1, correct the first paragraph to read: “The IFR temporarily waived the regulatory requirement that an individual be an inpatient of a hospital for not less than three consecutive calendar days before discharge from the hospital (three-day prior hospital stay) for coverage of a SNF admission for the duration of the COVID–19 national emergency, consistent with a similar waiver under Medicare and TRICARE’s statutory requirement to have a SNF benefit like Medicare’s. The waiver will terminate when the President’s national emergency for COVID–19 is terminated.”

Dated: June 2, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022–12263 Filed 6–7–22; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG–2022–0444]

**RIN 1625–AA08**

#### **Special Local Regulation; Lake of the Ozarks MM 1–6, Lake Ozark, MO**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a special local regulation for the navigable waters of the Lake of the Ozarks within a 50-yard radius of all vessels participating in a boat parade starting at the foremost vessel in the World’s Largest Parade marine event and extending to the last vessel in the parade. This special local regulation will follow the vessels until the parade’s conclusion. The special local regulation is needed to protect personnel, vessels, and the marine environment from potential hazards created by the gathering of participant vessels during the Parade. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Upper Mississippi River.

**DATES:** This rule is effective from 10:30 a.m. through 1 p.m. June 10, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0444 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Commander Stephanie Moore, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2560, email [Stephanie.R.Moore@uscg.mil](mailto:Stephanie.R.Moore@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
COTP Captain of The Port Sector Upper Mississippi River  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### **II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to