

period, no person or vessel may enter the regulated area without the permission of the Coast Guard Patrol Commander (PATCOM).

**DATES:** The regulation in 33 CFR 100.902 will be enforced from 10 a.m. through 3 p.m. on July 15, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Tracy Girard, Waterway Management Division, U.S. Coast Guard Sector Detroit, 110 Mt. Elliott Street, Detroit, MI at (313) 568-9564 or [tracy.m.girard@uscg.mil](mailto:tracy.m.girard@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulation in 33 CFR 100.902 for the Annual Bayview Mackinac Race from 10 a.m. through 3 p.m. on July 15, 2023. This notice of enforcement is necessary to safely control vessel movements in the vicinity of the race and provide for the safety of the general boating public and commercial shipping. This notice of enforcement applies to all U.S. navigable waters of the Black River, St. Clair River, and lower Lake Huron, bound by a line starting at latitude 042°58'47" N, longitude 082°26'0" W; then easterly to latitude 042°58'24" N, longitude 082°24'47" W; then northward along the International Boundary to latitude 043°02'48" N, longitude 082°23'47" W; then westerly to the shoreline at approximate location latitude 043°02'48" N, longitude 082°26'48" W; then southward along the U.S. shoreline to latitude 042°58'54" N, longitude 082°26'01" W; then back to the beginning [DATUM: NAD 83].

In order to ensure the safety of spectators and participating vessels, the Coast Guard will patrol the race area under the direction of a designated Coast Guard Patrol Commander (PATCOM). Vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer. The PATCOM may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." Vessels permitted to transit the regulated area will operate at no wake speed and in a manner which will not endanger participants in the event or any other craft. The rules contained above shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

This notice of enforcement is issued under the authority of 33 CFR 100.902 and 5 U.S.C. 552(a). If the District Commander, Captain of the Port or PATCOM determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners

to grant general permission to enter the regulated area.

Dated: April 17 2023.

**Brad W. Kelly,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. 2023-08453 Filed 4-20-23; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

**RIN 2900-AQ70**

#### Medical Benefits Package; Chiropractic Services

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its medical regulations to add chiropractic services to the definitions of medical services and preventive care. VA will further revise the definition of medical services to include rehabilitative services consistent with its statutory definition and to reflect changes made in other VA medical regulations and in prior legislation not previously codified. The amendments will make the amended regulations consistent with current practices, prior changes in law and other VA medical regulations, and changes in law made by the Consolidated Appropriations Act, 2018. These amendments will not substantively change the current administration of medical benefits to veterans.

**DATES:** This rule is effective May 22, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Anthony Lisi, D.C., Director, Veterans Health Administration Chiropractic Service, Rehabilitation and Prosthetic Services (12RPS3), 810 Vermont Ave. NW, Washington, DC 20420, (203) 932-5711, ext. 5341. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On October 21, 2021, VA published a proposed rule in the **Federal Register** (86 FR 58237) that would revise its medical regulations to explicitly include chiropractic and rehabilitative care. VA provided a 60-day comment period, which ended on December 20, 2021. VA received six comments on the proposed rule.

Section 1710 of title 38 of the United States Code (U.S.C.) requires VA to furnish hospital care and medical services which the Secretary determines

to be needed for eligible veterans. The term medical services is defined in 38 U.S.C. 1701(6) to include medical examination, treatment, and rehabilitation, and further lists particular types of medical services in section 1701(6)(A)–(H). Section 245 of Public Law 115–141, the Consolidated Appropriations Act, 2018 (March 23, 2018), amended 38 U.S.C. 1701(6) to add chiropractic services to the definition of medical services, amended section 1701(8) to include chiropractic services to the definition of rehabilitative services, and amended section 1701(9) to add chiropractic examinations and services to the definition of preventive services. VA regulates definitions for certain terms, to include medical services, in title 38 Code of Federal Regulations (CFR) 17.30, and regulates the provision of hospital care and medical services in 38 CFR 17.38. This final rule amends 38 CFR 17.30 and 17.38, consistent with the proposed rule, to conform to these statutory changes and expressly recognize chiropractic services as medical services.

All six comments—including one submitted by the American Chiropractic Association, the largest professional organization representing chiropractors in the U.S.—expressed support for the rule, and we thank the commenters for their support. While all comments were supportive, four warrant clarification.

One commenter is a chiropractor working with veterans who expressed a personal desire, as well as a desire held by the commenter's patients, to see chiropractic care covered as part of veteran medical benefits. We believe this commenter supported the addition of chiropractic services as part of the medical benefits package in proposed § 17.38(a)(2)(x) but may not have understood that chiropractic services have been provided by VA to veterans since 2000. We clarify for the commenter, and reiterate from the proposed rule, that the proposed changes are intended to expressly recognize chiropractic services as medical services available to veterans, making VA regulations consistent with changes in law made by the Consolidated Appropriations Act of 2018 as well as with current VA practice. The proposed changes will not affect the administration of medical benefits, which currently include chiropractic services. We do not make any changes based on this comment.

While voicing support for the proposed rule, one commenter stated the change does not go far enough, because it does not include other "whole-person" medical treatments and

methodologies such as osteopathic manipulation, physical therapy, and massage therapy. The commenter recommended listing these three modalities alongside chiropractic care as covered preventive care services under 38 CFR 17.38(a)(2)(x). VA embraces whole health by offering various complimentary and integrative health approaches and promoting veteran self-care and well-being. However, the primary purpose of this rulemaking is to conform § 17.38 with the statutory changes made to 38 U.S.C. 1701 in the Consolidated Appropriations Act, 2018, and not to conform VA regulations to reflect an exhaustive list of all treatment modalities that may be available as either basic or preventive care in the medical benefits package in § 17.38(a). We clarify for the commenter, however, that the additional modalities mentioned by the commenter are currently authorized forms of outpatient care for veterans under § 17.38(a)(1)(i), dependent upon factors like provider availability and medical necessity. We do not make any changes from the proposed rule based on this comment.

A supportive comment submitted by a group of graduate students stated a belief that VA currently provides only limited chiropractic services and that the proposed rule would authorize additional chiropractic resources for veterans through the hiring of additional chiropractors. To clarify, the proposed rule did not pose regulatory revisions to increase chiropractic resources or services, but only to conform current regulatory language to the authorizing statutory language and current VA practice. Chiropractic resources are already available at VA medical centers and through the Community Care Program.

In the group comment referenced above, one individual commenter also stated that while they supported the rule and did not find any issue with VA providing chiropractic care prior to the regulations being published and effective, the commenter suggested that, in the future, VA should not authorize new types of treatment or care without first, or simultaneously, publishing a regulation. We thank the commenter for that suggestion. However, in some situations VA is able to administer medically necessary benefits to veterans as soon as they are authorized without having to wait for regulations to be published.

The commenter detailed their own experience serving on active duty and as a veteran receiving health care through VA, and we thank the commenter for their service. We do not make any

changes from the proposed rule based on this comment.

One commenter expressed support for making chiropractic services available in nursing homes, a term which could apply to various VA-run and VA-affiliated programs, such as: Community Living Centers, which are VA-run nursing homes; Community Nursing Homes, which are nursing homes owned and operated by commercial providers where VA contracts for beneficiary care; and State Veterans Homes, which are recognized by VA, but owned and operated by the state where they are located. While chiropractic care is available to veterans eligible for the medical benefits package, we note that these services may not be available on-site at each type of nursing home to which the commenter may have been referring.

Based on the rationale set forth in the Supplementary Information to the proposed rule and in this final rule, VA is adopting the proposed rule as a final rule without changes.

#### **Paperwork Reduction Act**

This action does not contain any provisions constituting collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

#### **Regulatory Flexibility Act**

The Secretary hereby certifies that this final rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. There would be no material changes to the medical benefits available to veterans. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

#### **Executive Order 12866 and 13563**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under

Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at [www.regulations.gov](http://www.regulations.gov).

#### **Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

#### **Assistance Listings**

The Assistance Listings numbers and titles for the programs affected by this document are 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.029, Purchase Care Program; 64.049, VHA Community Living Center.

#### **List of Subjects in 38 CFR Part 17**

Administrative practice and procedure, Claims, Day care, Dental health, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Veterans.

#### **Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, approved this document on April 14, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

**Jeffrey M. Martin,**

*Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons set forth in the preamble, we amend 38 CFR part 17 as follows:

#### **PART 17—MEDICAL**

■ 1. The authority citation for part 17 is amended by adding an entry for § 17.30 and revising the entry for § 17.38 to read in part as follows:

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

Section 17.30 is also issued under 38 U.S.C. 1701.

\* \* \* \* \*

Section 17.38 is also issued under 38 U.S.C. 1701 and 1703.

\* \* \* \* \*

■ 2. Amend § 17.30 by:

- a. Revising paragraphs (a) introductory text and (a)(1);
- b. Redesignating paragraphs (a)(2) and (3) as paragraphs (a)(3) and (4), respectively; and
- c. Adding new (a)(2) to read as follows:

**§ 17.30 Definitions.**

\* \* \* \* \*

(a) *Medical services*. The term *medical services* includes the following:

- (1) Medical examination, treatment, and rehabilitative services (as defined in 38 U.S.C. 1701(8)).

- (2) Surgical services, dental services and appliances as authorized in §§ 17.160 through 17.166, optometric and podiatric services, chiropractic services, preventive health care services set forth in 38 U.S.C. 1701(9), noninstitutional extended care, and items and services as authorized in §§ 17.3200 through 17.3250.

\* \* \* \* \*

■ 3. Amend § 17.38 by adding paragraph (a)(2)(x) to read as follows:

**§ 17.38 Medical benefits package.**

(a) \* \* \*

(2) \* \* \*

(x) Chiropractic services.

\* \* \* \* \*

[FR Doc. 2023-08298 Filed 4-20-23; 8:45 am]

BILLING CODE 8320-01-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Electronic Indicators for the Mailing of Hazardous Materials

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service revises Publication 52, *Hazardous, Restricted, and Perishable Mail* (Pub 52) to incorporate new requirements, for mailers to use unique service type codes and extra service codes within the tracking barcodes and electronic data submission for package shipments containing hazardous materials (HAZMAT) or dangerous goods (DG). This rule standardizes the acceptance and handling of package shipments containing HAZMAT/DG by collecting electronic data to ensure these items are handled appropriately with regards to the category of HAZMAT/DG contained within the package and to create electronic manifests for the Postal

Service's air carrier suppliers. The Postal Service also amends the *Mailing Standards of the United States Postal Service Domestic Mail Manual* (DMM) to alter refund eligibility of Priority Mail Express containing HAZMAT.

**DATES:** This rule is effective July 9, 2023, except section 323.3 of Pub 52, which will be effective January 21, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Cox at (202) 268-2108, Juliaann Hess at (202) 268-7663, or Dale Kennedy at (202) 268-6592.

**SUPPLEMENTARY INFORMATION:** The Postal Service hereby amends Publication 52, *Hazardous, Restricted, and Perishable Mail* (Pub 52), with the provisions set forth herein. While not codified in Title 39, Code of Federal Regulations (CFR), Publication 52 is a regulation of the Postal Service, and changes to it may be published in the **Federal Register**. 39 CFR 211.2(a)(2). Moreover, Pub 52 is incorporated by reference into *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) section 601.8.1, which is incorporated by reference, in turn, into the Code of Federal Regulations. 39 CFR 111.1, 111.3. Pub 52 is publicly available, in a read-only format, via the Postal Explorer® website at <https://pe.usps.com>. In addition, links to Postal Explorer are provided on the landing page of *USPS.com*, the Postal Service's primary customer-facing website, and on *Postal Pro*, an online informational source available to postal customers.

The following items are clarified in this rule:

- When shipping HAZMAT internationally, dangerous goods (DG) terminology is used rather than HAZMAT.
- HAZMAT and DG are not eligible to be mailed in letter or flat-sized mailpieces.
- These new requirements are in addition to current Pub 52 regulations and do not exempt mailers from complying with existing standards.
- When shipping to Army Post Office (APO), Fleet Post Office (FPO) or Diplomatic Post Office (DPO) destinations, mailers must follow international DG regulations. This mail is only treated as domestic for pricing purposes.
- Packages being sent domestically containing new electronic devices, in original unopened packaging or manufacturer certified new or refurbished devices, that are not required to, and do not bear a lithium battery marking are exempt from applying service type codes and extra service type codes. This exemption does

not apply to packages being sent internationally.

These packages must meet the following:

- (a) only button cell batteries installed in equipment; or
- (b) no more than 4 lithium cells; or
- (c) 2 lithium batteries installed in the equipment they operate, (*i.e.*, cell phones, tablets, digital readers, or glucose monitors etc.); or
- (d) when there are no more than two mailpieces in a single consignment, per Pub 52, Section 349.

- The **Federal Register** Notice, 87 FR 73459 published on November 30, 2022, required mailers to provide physical separation of HAZMAT/DG from non-HAZMAT/DG packages. Upon full implementation of the electronic indicators on July 9, 2023, mailers may submit a request for a release from the requirement to separate HAZMAT/DG from non-HAZMAT/DG when tendering to the Postal Service. Internal Postal Service data will be utilized to validate compliance with this rule prior to approving customer release of the separation requirement. The requests can be submitted to the Director, Product Classification, 475 L'Enfant Plz. SW, Rm. 4446, Washington, DC 20260-5015.

On November 30, 2022, the Postal Service published a notice of proposed rulemaking (87 FR 73510) requiring mailers to use specific HAZMAT Service Type Codes (STC) within their shipping barcode and to transmit electronic data through a Shipping Services File (SSF) to the Postal Service before, or concurrent with, the tendering of hazardous materials shipments with an original effective date of April 30, 2023. The proposal included Extra Service Codes (ESC) to correspond with the specific category of HAZMAT the Postal Service permits and encouraged adoption of a 2D barcode on shipping labels. In addition, the proposal also included insurance, adult signature over 21, and restricted delivery as the only eligible Extra Service options for shipments of HAZMAT and altered the refund eligibility of Priority Mail Express containing HAZMAT within the DMM.

After review and evaluation of comments received, the following substantive changes are being incorporated into the final rule:

- Requirement for mailers to incorporate the use of electronic indicators within their tracking barcodes and shipping service files has been moved to July 9, 2023.
- Addition of Signature Confirmation as an approved Extra Service option for use with domestic HAZMAT shipments.