

Issued in Washington, DC, on May 3, 2022.

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[FR Doc. 2022–09922 Filed 5–9–22; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket Number USCG–2022–0284]

RIN 1625–AA00

### Safety Zone; Ohio River, Miles 90.3 to 91.8 Wheeling, WV

**AGENCY:** Coast Guard, Homeland Security (DHS).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone for all navigable waters of the Ohio River from Mile 90.3 to Mile 91.8 from 6 p.m. to 8 p.m. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a floating lantern festival. Entry of vessels or persons into this zone is prohibited unless specifically authorized by Captain of the Port Marine Safety Unit Pittsburgh. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 9, 2022.

**ADDRESSES:** You may submit comments identified by docket number USCG–2022–0284 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rulemaking, call or email MSTC Kevin Schneider, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–221–0807, email [Kevin.L.Schneider@uscg.mil](mailto:Kevin.L.Schneider@uscg.mil).

### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

#### II. Background, Purpose, and Legal Basis

On March 30, 2022, the Alzheimer’s Association West Virginia Chapter notified the Coast Guard that it will be releasing biodegradable water lanterns onto the Ohio River at Heritage Port 1 Water Street Wheeling, WV, 26003 from 6 p.m. to 8 p.m. on August 22, 2022. Participants can purchase the water lanterns in honor of someone they know who is currently battling Alzheimer’s or some form of dementia, write the person’s name, a message, or whatever they’d like on the lantern, and place the lantern on the river in that person’s honor.

The purpose of this rulemaking is to ensure the protection of personnel, vessels, and the marine environment in the navigable waters within the safety zone while the floating. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

#### III. Discussion of Proposed Rule

The Captain of the Port Marine Safety Unit Pittsburgh (COTP) is proposing to establish a safety zone from 6 p.m. to 8 p.m. on August 22, 2022. The safety zone would cover all navigable waters on the Ohio River from Mile 90.3 to Mile 91.8. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment from potential hazards created by a floating lantern festival.

No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

#### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on size, location, and duration

of the temporary safety zone. This safety zone impacts only a one-and-a-half-mile stretch of the Ohio River for a short amount of time of two hours on one evening. Vessel traffic will be informed about the safety zone through local notices to mariners. Moreover, the Coast Guard will issue Local Notice to Mariners, Marine Safety Information Bulletins, and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission from the COTP to transit the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section IV.A above, this rule will not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

##### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### *D. Federalism and Indian Tribal Governments*

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### *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 proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

### *F. Environment*

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves This rulemaking involves a safety zone lasting two hours that will prohibit entry on the Ohio River from mile 90.3 to mile 91.8, during the

floating lantern festival. Normally such actions are categorically excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary 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. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### *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.

### **V. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

**Submitting comments.** We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2022–0284 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

**Viewing material in docket.** To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of

the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

**Personal information.** We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

### **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 is proposing to amend 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; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T08–0284 to read as follows:

#### **§ 165.T08–0284 Safety Zone; Ohio River, Miles 90.3–91.8, Wheeling, WV.**

(a) *Location.* The following area is a temporary safety zone: All navigable waters of the Ohio River from Mile 90.3 to Mile 91.8.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Pittsburgh (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of persons and vessels into the zone in paragraph (a) of this section is prohibited unless authorized by the COTP or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the COTP or a designated representative. The COTP’s representative may be contacted at 412–670–4288.

(d) *Enforcement period.* This section is effective from 6 p.m. through 8 p.m. on August 22, 2022.

Dated: May 5, 2022.

**Eric J. Velez,**

*Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh.*

[FR Doc. 2022-10024 Filed 5-9-22; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 88

[Docket No. CDC-2022-0052; NIOSH-347]

RIN 0920-AA82

### World Trade Center (WTC) Health Program; Addition of Uterine Cancer to the List of WTC-Related Health Conditions

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 amended the Public Health Service Act (PHS Act) to establish the World Trade Center (WTC) Health Program. The WTC Health Program (Program), which is administered by the Director of the National Institute for Occupational Safety and Health (NIOSH), within CDC, provides medical monitoring and treatment to eligible responders to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania, and to eligible survivors of the New York City attacks. In accordance with the WTC Health Program's regulations, which establish procedures for adding a new condition to the list of health conditions covered by the Program, this proposed rule would add malignant neoplasms of corpus uteri and uterus, part unspecified (uterine cancer) to the List of WTC-Related Health Conditions (List).

**DATES:** Comments must be received by June 24, 2022.

**ADDRESSES:** You may submit comments identified by Docket No. CDC-2022-0052 and NIOSH-347 by either of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** NIOSH Docket Office, Robert A. Taft Laboratories, MS C-34, 1090 Tusculum Avenue, Cincinnati, Ohio 45226-1998.

**Instructions:** All written submissions received in response to this document must include the agency name and docket number (CDC-2022-0052;

NIOSH-347) for this action. All relevant comments, including any personal information provided, will be posted without change to <https://www.regulations.gov>. Do not submit comments by email. CDC does not accept comments by email.

#### FOR FURTHER INFORMATION CONTACT:

Rachel Weiss, Program Analyst, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS: C-46, Cincinnati, OH 45226; telephone (855) 818-1629 (this is a toll-free number); email [NIOSHregs@cdc.gov](mailto:NIOSHregs@cdc.gov).

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#### I. Executive Summary

##### A. Purpose of Regulatory Action

With this rulemaking, the Administrator of the WTC Health Program (Administrator) and the Secretary of HHS propose the addition of uterine cancer<sup>1</sup> to the List. The

<sup>1</sup> For the purposes of this action, the WTC Health Program defines the term "uterine cancer" as ICD-10 code C54, including the following specific malignant neoplasms: Isthmus uteri (C54.0), endometrium (C54.1), myometrium (C54.2), fundus uteri (C54.3), overlapping sites of corpus uteri (C54.8), and corpus uteri, unspecified (C54.9); and ICD-10 code C55, including only a single subcategory, malignant neoplasm of uterus, part unspecified.

Administrator received requests from WTC responders and survivors as well as a September 2020 letter from five of the WTC Health Program Clinical Centers of Excellence (CCEs) asking the Administrator to add "uterine cancer" to the List. The Administrator subsequently directed the WTC Health Program's Science Team to review the available scientific evidence for adding uterine cancer to the List under existing Program policy and procedures. A white paper issued by the Program's Science Team in September 2021 (White Paper) found that the available scientific evidence provided sufficient support to add uterine cancer to the List but only for Program members who have a certified WTC-related estrogen-secreting tumor. The Administrator asked the WTC Health Program Scientific/Technical Advisory Committee (STAC) for a recommendation on whether a reasonable basis exists for adding uterine cancer to the List. Between September and November 2021, the STAC reviewed the White Paper and other available scientific information, considered public comment, and deliberated on whether there is a reasonable basis to recommend the addition of uterine cancer to the List. Ultimately, the STAC recommended that uterine cancer be added to the List and provided the Administrator its recommendation and rationale. Upon review, the Administrator decided that the STAC provided a reasonable basis for its recommendation to add uterine cancer to the List. Based on the STAC's recommendation and the scientific literature, including the White Paper, the Administrator has determined that the available information provides a sufficient evidentiary basis to propose the addition of uterine cancer to the List.

##### B. Summary of Major Provisions

This rule proposes the addition of malignant neoplasms of corpus uteri and uterus, part unspecified (uterine cancer) to the List of WTC-Related Health Conditions in 42 CFR 88.15(d).

##### C. Costs and Benefits

The addition of uterine cancer to the List through this rulemaking is estimated to cost the WTC Health Program from \$1,718,691 to \$2,199,808 annually, between 2022 and 2025. All of the costs to the WTC Health Program are transfers.<sup>2</sup> Benefits to current and future

<sup>2</sup> Due to the implementation of the Affordable Care Act in 2014, and as required under the authorizing statute for the WTC Health Program, all current and future Program members are assumed to have or have access to medical insurance

Continued