

■ 10. Amend § 1010.3 by revising paragraph (a)(2)(ii) to read as follows:

**§ 1010.3 Identification.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(ii) The month and year of manufacture shall be provided clearly and legibly, without abbreviation, and with the year shown as a four-digit number as follows in this paragraph. Alternatively, a manufacturer may utilize a manufacturing symbol and date format that conforms with an applicable FDA recognized consensus standard.

**Manufactured: (Insert Month and Year of Manufacture.)**

\* \* \* \* \*

■ 11. Amend § 1010.4 by revising paragraphs (b) introductory text, (b)(1), and (b)(2) introductory text to read as follows:

**§ 1010.4 Variances.**

\* \* \* \* \*

(b) *Applications for variances.* If you are submitting an application for variances or for amendments or extensions thereof:

(1) You must either:

(i) Submit the variance application and supporting materials to CDRH by email using the *RadHealthCustomerService@fda.hhs.gov* mailbox; or

(ii) Submit an original copy of the variance application by mail to: U.S. Food and Drug Administration, Center for Devices and Radiological Health, Document Mail Center, Bldg. 66, Rm. G609, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002.

(2) The application for variance shall include the following information:

\* \* \* \* \*

**PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS**

■ 12. The authority citation for part 1020 continues to read as follows:

**Authority:** 21 U.S.C. 351, 352, 360e–360j, 360hh–360ss, 371, 381.

■ 13. Amend § 1020.10 by revising paragraph (a) to read as follows:

**§ 1020.10 Television receivers with cathode ray tubes.**

(a) *Applicability.* The provisions of this section are applicable to television receivers with cathode ray tubes manufactured subsequent to January 15, 1970.

\* \* \* \* \*

■ 14. Amend § 1020.30 by revising paragraphs (d)(1) and (d)(2)(ii) to read as follows:

**§ 1020.30 Diagnostic x-ray systems and their major components.**

\* \* \* \* \*

(d) \* \* \*

(1) *Reports of assembly.* All assemblers who install certified components shall file a report of assembly, except as specified in paragraph (d)(2) of this section. The report will be construed as the assembler's certification and identification under §§ 1010.2 and 1010.3 of this chapter. The assembler shall affirm in the report that the manufacturer's instructions were followed in the assembly or that the certified components as assembled into the system meet all applicable requirements of §§ 1020.30 through 1020.33. All assembler reports must be on a form (Form FDA 2579 made available at <https://www.fda.gov/about-fda/reports-manuals-forms/forms>) prescribed by the Director, Center for Devices and Radiological Health. Completed reports must be submitted to the purchaser and, where applicable, to the State agency responsible for radiation protection within 15 days following completion of the assembly.

(2) \* \* \*

(i) Certified accessory components;  
\* \* \* \* \*

**PART 1030—PERFORMANCE STANDARDS FOR MICROWAVE AND RADIO FREQUENCY EMITTING PRODUCTS**

■ 15. The authority citation for part 1030 continues to read as follows:

**Authority:** 21 U.S.C. 351, 352, 360, 360e–360j, 360hh–360ss, 371, 381.

■ 16. Amend § 1030.10 by revising paragraph (c)(6)(iv) introductory text as follows:

**§ 1030.10 Microwave ovens.**

\* \* \* \* \*

(c) \* \* \*

(6) \* \* \*

(iv) Upon application by a manufacturer, the Director, Center for Devices and Radiological Health, Food and Drug Administration, may grant an exemption from one or more of the statements (radiation safety warnings) specified in paragraph (c)(6)(i) of this section. Such exemption shall be based upon a determination by the Director that the microwave oven model for which the exemption is sought should continue to comply with paragraphs (c)(1) through (3) of this section under the adverse condition of use addressed

by such precautionary statement(s). An application shall be submitted to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Copies of the written portion of the application, including supporting data and information, and the Director's action on the application will be maintained by the Dockets Management Branch for public review. The application shall include:

\* \* \* \* \*

**PART 1050—[REMOVED AND RESERVED]**

■ 17. Under the authority of 21 U.S.C. 351, 352, 360, 360e–360j, 360hh–360ss, 371, 381, part 1050 is removed and reserved.

Dated: January 4, 2023.

**Robert M. Califf,**

*Commissioner of Food and Drugs.*

[FR Doc. 2023–00922 Filed 1–19–23; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF JUSTICE**

**Office of Justice Programs**

**28 CFR Part 94**

[Docket No.: OJP (OVC) 1539]

**RIN 1121–AA78**

**International Terrorism Victim Expense Reimbursement Program**

**AGENCY:** Office of Justice Programs, Justice.

**ACTION:** Adoption of interim rule as final; technical corrections.

**SUMMARY:** The Office for Victims of Crime (“OVC”) is promulgating this final rule for its International Terrorism Victim Expense Reimbursement Program (“ITVERP”), in order to finalize the interim final rule published on April 11, 2011, which removed a regulatory limitation on the discretion of the Director of OVC to accept claims filed more than three years after the date that an incident is designated as an incident of international terrorism. This final rule also makes non-substantive technical corrections to update citations to reflect the current location of the cited provisions.

**DATES:** This final rule is effective January 20, 2023.

**ADDRESSES:** For further information, see the ITVERP website at <http://www.ojp.usdoj.gov/ovc/intdir/itverp>.

**FOR FURTHER INFORMATION CONTACT:** Victoria Jolicoeur, ITVERP, Office for

Victims of Crime, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW, Washington, DC 20531; (202) 307-5134.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

ITVERP is a Federal program that provides reimbursement to nationals of the United States and Federal Government employees (and certain family members of such individuals, under some circumstances), who are victims of international terrorism and who incur expenses as a result of such incidents. For further information, see the ITVERP website at <http://www.ojp.usdoj.gov/ovc/intdir/itverp>.

Pursuant to 34 U.S.C. 20106 and 34 U.S.C. 20110(a), OVC promulgated an interim-final rule to provide the Director of OVC with express discretionary authority to accept claims filed more than three years after the date that an incident is designated as one of international terrorism. Largely owing to considerations of administrative convenience, the original ITVERP rule (promulgated in 2006) among other things limited the period within which OVC would entertain waivers of claim-filing deadlines. In 2011, based on experience administering the program since it went into effect in 2006, OVC determined that this limit on waivers of late claims could lead to denials of reimbursement for victims with otherwise meritorious claims, even under circumstances where tolling of the deadline would be justified.

This rule adopts as final the interim rule published April 11, 2011, at 76 FR 19909, which allows the Director of OVC to toll or extend the deadline for a late-filed claim where the Director finds good cause to do so. In the ordinary course, a showing of good cause generally requires that the claimant submit a written explanation—satisfactory to the Director—for missing the deadline. Generally speaking, examples of good cause might include situations such as where a victim's treatment for injuries sustained in an incident were covered initially by collateral sources, but these sources later become unavailable after the filing deadline has expired; where outreach to overseas claimants has not been effective; and where a claimant's extended illness, living abroad in remote areas for extended periods of time, or barriers to accessing information about the program led to the late filing. Absent circumstances consonant with the foregoing, good cause would not exist; thus, for example, a claimant's missing the deadline due to mere inattentiveness to

the program's deadlines would not be sufficient to establish good cause.

The interim final rule did not alter any then-existing regulatory deadlines, nor did it impose any new deadlines (or any burden whatsoever) on claimants, but instead merely operated to relieve an administrative restriction, in the then-existing rule, on claim filing (such rule having been promulgated largely for the administrative convenience of OVC, which had found it, over the course of four years of program administration, to be unnecessary). In these respects, the final rule is the same.

OVC had intended to finalize this interim-final rule as part of a larger revision of the program rules shortly after publication of the interim-final rule, but that effort ended up not moving forward. Other priorities, including updating program rules for the Victims of Crime Act of 1984 ("VOCA") Victim Assistance Program, and administration and oversight responsibilities relating to the substantial increase in VOCA funding that started in FY 2015, took priority after that.

The non-substantive updates to the citations are to ensure that the citations accurately point to the substantive provision originally intended when subpart A was promulgated in 2006, and when subpart B was promulgated in 2016. In 2017, many citations to provisions in Title 42 of the United States Code were reclassified to Title 34. In addition, 2 CFR part 200 was amended in 2020, and certain sections were shifted by one number. The updates herein adjust the citations to reflect the new locations of the same substantive provisions.

##### III. Regulatory Requirements

###### *Executive Orders 12866 and 13563—Regulatory Review*

This final rule has been drafted in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), The Principles of Regulation, and in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review" section 1, General Principles of Regulation. Executive Orders 12866 and 13563 direct agencies, in certain circumstances, to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity).

OVC has determined that this final rule is not a "significant regulatory action" under Executive Order 12866, Regulatory Planning and Review, section 3(f), and, accordingly, this rule has not been reviewed by the Office of Management and Budget. This rule finalizes the 2011 interim final rule, which OVC also determined was not a "significant regulatory action," without change.

###### *Cost/Benefit Assessment*

This regulation has no cost to state, local, or tribal governments, or to the private sector. It merely alleviates an administrative restriction on victim claim filing by permitting the OVC Director to allow late filing where the Director determines that this is appropriate. The ITVERP is funded by fines, fees, penalty assessments, and forfeitures paid by Federal offenders, as well as gifts from private individuals, deposited into the Crime Victims Fund in the U.S. Treasury, and set aside in the Antiterrorism Emergency Reserve Fund, which is capped at \$50 million in any given year. The cost to the Federal Government consists both of administrative expenses and amounts reimbursed to victims. Both types of costs depend on the number of claimants, prospective as well as retroactive. This rule is not expected to significantly increase the number of eligible claimants, and therefore OVC has determined that the negligible cost potentially associated with allowing certain late-filed claims to be processed is outweighed by considerations of fairness in the program's administration and the benefit of ensuring that U.S. victims otherwise eligible for, and in need of, reimbursement for injuries and losses from overseas terrorism are provided such reimbursement. This rule has not, and is not expected to, materially increase the overall budgetary impact of the ITVERP.

###### *Administrative Procedure Act*

This rule concerns matters relating to "grants, benefits, or contracts," 5 U.S.C. 553(a)(2). It is therefore statutorily exempt from the requirement of notice and comment and a 30-day delay in the effective date. Moreover, to the extent that it "recognizes an exemption or relieves a restriction" on claimant filing, it is exempt from the 30-day delay in the effective date per 5 U.S.C. 553(d). Moreover, with regard to the citation corrections, OVC finds that notice and comment would be unnecessary because the citation updates are non-substantive—the underlying substantive provisions remain the same, and therefore good cause exists to dispense

with notice and comment per 5 U.S.C. 553(b)(B), and a delayed effective date, pursuant to 5 U.S.C. 553(d).

Although it was not required to do so, upon publication of the interim-final rule in 2011, OVC provided for post-promulgation public comment. OVC received two comments, one of which was not responsive. The only responsive comment advocated for a statutory-definition change beyond the scope of this rulemaking, questioned the cost of the program, requested that information about payments be posted on the internet, and opposed “paying claims that are more than 3 years old and leaving that to the ‘discretion’ [sic] of the director . . . .” OVC does, in fact, post detailed information on its website about program payments, with breakouts by number of claims, amounts paid in each expense category, and other claim processing information, and has done so since 2008. Moreover, the Director’s discretion is limited to situations where a claimant shows good cause to waive the filing deadline. For example, in FY 2018, of the 36 new applications received during the reporting period, 4 were granted an extension; in FY 2019, of 33 new applicants, 1 was granted an extension. ITVERP is a very small program, both in terms of number of claims and amounts paid. It received an average of 35 claims per year from FY 2011 through FY 2019. The total amount paid for *all* claims added together in the FY 2017 reporting period was \$264,734.07; in FY 2018 was \$145,046, and in FY 2019 was \$155,298. Consequently, the entire program has a de-minimis budgetary impact, and the limited number of extensions granted each year do not materially change that.

This rule finalizes that interim-final rule, which made a minor amendment to alleviate a procedural restriction on ITVERP claimants that might otherwise have led to the denial of meritorious claims from victims, even where such victims show good cause for delayed filing.

#### *Executive Order 13132—Federalism*

This regulation will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Exec. Order No. 13132, 64 FR 43255 (Aug. 4, 1999), it is determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Executive Order 12988*

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, “Civil Justice Reform.”

#### *Regulatory Flexibility Act*

This regulation will not have a significant economic impact on a substantial number of small entities. This regulation has no cost to State, local, or tribal governments, or to the private sector. The ITVERP is funded by fines, fees, penalty assessments, and bond forfeitures paid by Federal offenders, as well as gifts from private individuals, deposited into the Crime Victims Fund in the U.S. Treasury. Therefore, an analysis of the impact of this regulation on such entities is not required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### *Paperwork Reduction Act of 1995*

This proposed rule contains no new information collection or record-keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

#### *Unfunded Mandates Reform Act of 1995*

This regulation will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Congressional Review Act*

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

#### **List of Subjects in 28 CFR Part 94**

Administrative practice and procedures, International terrorism, Victim compensation.

Accordingly, for the reasons set forth in the preamble, the Office of Justice Programs adopts the interim rule published April 11, 2011, at 76 FR 19909, as final without change and makes technical corrections to title 28,

part 94 of the Code of Federal Regulations as follows:

### **PART 94—CRIME VICTIM SERVICES**

- 1. The authority citation for part 94 is revised to read as follows:

**Authority:** 34 U.S.C. 20103, 20106, 20110(a), 20111.

#### **Subpart A—International Terrorism Victim Expense Reimbursement Program**

##### **§ 94.11 [Amended]**

- 2. Amend § 94.11 in paragraph (a) by removing “42 U.S.C. 10603c” and adding in its place “34 U.S.C. 20106”.

##### **§ 94.12 [Amended]**

- 3. Amend § 94.12 in paragraph (u) introductory text by removing “42 U.S.C. 10603c(a)(3)(A)” and adding in its place “34 U.S.C. 20106(a)(3)(A)”.

##### **§ 94.21 [Amended]**

- 4. Amend § 94.21 in paragraph (a) by removing “42 U.S.C. 10603c(a)(3)(A)” and adding in its place “34 U.S.C. 20106(a)(3)(A)”.

#### **Subpart B—VOCA Victim Assistance Program**

##### **§ 94.101 [Amended]**

- 5. Amend § 94.101 in paragraph (a) by removing “42 U.S.C. 10603” and adding in its place “34 U.S.C. 20103” and in paragraph (b) by removing “42 U.S.C. 10604(a)” and adding in its place “34 U.S.C. 20110(a)”.

##### **§ 94.102 [Amended]**

- 6. Amend § 94.102, in introductory text of the definition of *Direct services* or *services to victims of crime*, by removing “42 U.S.C. 10603(d)(2)” and adding in its place “34 U.S.C. 20103(d)(2)”.

##### **§ 94.103 [Amended]**

- 7. Amend § 94.103 in paragraph (b) introductory text by removing “42 U.S.C. 10603(a)(2)” and adding in its place “34 U.S.C. 20103(a)(2)” and in paragraph (g) by removing “2 CFR 200.336” and adding in its place “2 CFR 200.337”.

##### **§ 94.104 [Amended]**

- 8. Amend § 94.104 in paragraph (b) introductory text by removing “42 U.S.C. 10603(a)(2)(A)” and adding in its place “34 U.S.C. 20103(a)(2)(A)” and in paragraph (c) by removing “42 U.S.C. 10603(a)(2)(B)” and adding in its place “34 U.S.C. 20103(a)(2)(B)”.

**§ 94.106 [Amended]**

■ 9. Amend § 94.106 in paragraph (a) by removing “2 CFR 200.331” and adding in its place “2 CFR 200.332”.

**§ 94.107 [Amended]**

■ 10. Amend § 94.107 in paragraph (a) by removing “42 U.S.C. 10603(b)(3)” and adding in its place “34 U.S.C. 20103(b)(3)”.

**§ 94.108 [Amended]**

■ 11. Amend § 94.108 in paragraph (b)(2) by removing “42 U.S.C. 10604(h)” and adding in its place “34 U.S.C. 20110(h)”.

**§ 94.111 [Amended]**

■ 12. Amend § 94.111 by removing “42 U.S.C. 10603(b)(1)” and adding in its place “34 U.S.C. 20103(b)(1)”.

**§ 94.112 [Amended]**

■ 13. Amend § 94.112 in paragraph (b) introductory text by removing “42 U.S.C. 10603(b)(1)(B)” and adding in its place “34 U.S.C. 20103(b)(1)(B)”.

**§ 94.113 [Amended]**

■ 14. Amend § 94.113 in paragraph (b) by removing “42 U.S.C. 10603(b)(1)(C)” and adding in its place “34 U.S.C. 20103(b)(1)(C)”.

**§ 94.114 [Amended]**

■ 15. Amend § 94.114 in paragraphs (a) and (b) by removing “42 U.S.C. 10604(e)” and adding in its place “34 U.S.C. 20110(e)”.

Dated: January 11, 2023.

**Maureen A. Henneberg,**

*Deputy Assistant Attorney General for Operations and Management, Office of Justice Programs.*

[FR Doc. 2023–01023 Filed 1–19–23; 8:45 am]

**BILLING CODE 4410–18–P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG–2023–0061]

**RIN 1625–AA00**

**Safety Zone; Coast Guard PSU–312 Training Exercise South Bay, San Francisco Bay, San Francisco, CA**

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

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on

the navigable waters of San Francisco Bay, near Treasure Island, San Francisco, CA, in support of the Coast Guard Port Security Unit (PSU)–312 training exercise. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created by the Coast Guard PSU–312 on-water training and associated operations. Unauthorized persons or vessels are prohibited from entering, transiting through, or remaining in the safety zone without permission of the Captain of the Port San Francisco or a designated representative.

**DATES:** This rule is effective on January 21, 2023, from 9 a.m. through 6:30 p.m.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0061 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Anthony I. Solares, Waterways Management, U.S. Coast Guard; telephone (415) 399–3585, email [SFWaterways@uscg.mil](mailto:SFWaterways@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 Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard received the final details of the training on January 12, 2023. It is impracticable to publish an NPRM because we must establish this safety zone by January 21, 2023, and lack sufficient time to provide a reasonable comment period and

consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to protect personnel, vessels, and the marine environment in the navigable waters around the potentially hazardous on-water training and associated operations involving vessels firing blank rounds.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with the Coast Guard PSU–312 training operations scheduled to occur on January 21, 2023, will be a safety concern for anyone within the designated exercise area. The on-water training will involve vessels firing blank rounds. For this reason, this temporary safety zone is needed to protect personnel, vessels, and the marine environment in the navigable waters surrounding the potentially hazardous activity.

**IV. Discussion of the Rule**

This rule establishes a safety zone around the Coast Guard PSU–312 training operations in the waters of the San Francisco Bay, near Treasure Island, San Francisco, CA, on January 21, 2023, from 9 a.m. until 6:30 p.m. The safety zone will encompass the navigable waters, from surface to bottom, within a circle formed by connecting all points 1,000 yards from the circle center at approximate position 37°49′15.3″ N, 122°21′38.5″ W (NAD 83); or as announced via Broadcast Notice to Mariners.

This regulation is needed to keep persons and vessels away from the immediate vicinity of the training operations to ensure the safety of personnel, vessels, and the marine environment. No vessel or person will be permitted to enter the safety zone without obtaining permission from the Captain of the Port Sector San Francisco (COTP) or a designated representative. A “designated representative” means a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or officer designated by or assisting the COTP in the enforcement of the safety zone.

The COTP or the COTP’s designated representative will notify the maritime community of periods during which this