

Bureau of Labor Statistics (BLS) median hourly wage for hourly wage for “all occupations” of \$28.01 per hour. This information is available at [https://www.bls.gov/oes/current/oes\\_nat.htm#13-0000](https://www.bls.gov/oes/current/oes_nat.htm#13-0000).

### Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule will 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). 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.

### 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 proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

### Assistance Listing

The Assistance Listing numbers and titles for the programs affected by this document are: 64.101, Burial Expenses Allowance for Veterans; 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Veterans.

### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on February 15, 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.

### Luvenia Potts,

*Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 3 as set forth below:

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

- 1. The authority citation for part 3, subpart A, continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

- 2. Add § 3.33 to read as follows:

#### § 3.33 Reevaluation of Claims for Dependency and Indemnity Compensation Involving Presumptions of Service Connection Following Enactment of Public Law 117–168.

(a) *Purpose* This section states effective date and election rules based on amendments made under Public Law 117–168, which provides for the reevaluation of certain previously denied dependency and indemnity compensation (DIC) claims when a law establishes or modifies a presumption of service connection.

(b) *Definitions* For purpose of this section:

(1) *Law* means any law, regulation, or Federal court decision or settlement establishing or modifying a presumption of service connection.

(2) *Relevant claimant* means an individual who submitted a claim for DIC to VA that was evaluated and denied by VA before the date on which such a provision of law went into effect and might have been evaluated differently had the establishment or modification of the service connection presumption been applicable to the claim.

(c) *Election of review*

(1) *General.* VA will not reevaluate under this section any previously denied claim for DIC prior to election by the relevant claimant.

(2) *Form of election.* Reevaluation of a previously denied DIC claim must be at the election of the relevant claimant on a prescribed form pursuant to § 3.152(a).

(d) *Effective date of award.* If a relevant claimant is found entitled to DIC based on the establishment or modification of a presumption of service connection, the effective date of the award will be as follows:

(1) If VA denied a claim for DIC prior to a law defined under (b)(1) of this section that establishes or modifies a presumption of service connection on or after August 10, 2022, (the date of enactment of Pub. L. 117–168), the effective date of the award will be determined as if the establishment or modification of the presumption of service connection had been in effect on

the date of the submission of the original claim.

(2) If the requirements of paragraph (d)(1) are not met, the effective date of the award shall be determined in accordance with §§ 3.114 and 3.400.

(e) *Outreach and identification of relevant claimants*

(1) VA will conduct the following efforts to inform a relevant claimant that they may elect to have a claim reevaluated in light of the establishment or modification of a presumption of service connection:

(i) Publish on the internet website of the Department a notice that such claimants may elect to have a claim so reevaluated;

(ii) Notify, in writing or by electronic means, veterans service organizations of the ability of such claimants to elect to have a claim so reevaluated; and

(iii) Notify each such claimant in the same manner that the Department last provided notice of a decision.

(Authority: 38 U.S.C. 501, 1305)

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BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 38

RIN 2900–AR81

### Names for National Cemeteries and Features

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) proposes to remove its regulation concerning the naming of cemeteries and features. VA is proposing this action because, after reviewing internal policy and processes, VA determined this regulation is obsolete and unnecessary. When VA promulgated this regulation, VA’s cemetery naming activities were supported by statute and served a purely administrative function that did not change existing law or policy and did not affect individual rights or obligations. The activities therefore did not require a regulation to effectuate. However, now that the regulation is in effect, removing it would change existing policy, which requires a rulemaking. The Secretary of Veterans Affairs (the Secretary) has authority for naming Department property and has delegated in regulation the authority for naming features within national cemeteries to the Under Secretary for Memorial Affairs, who is the head of VA’s National Cemetery Administration.

Therefore, this action is under the authority of the National Cemetery Administration.

**DATES:** Comments must be received on or before May 22, 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 may not be considered in the final rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Michelle Myers, Management and Program Analyst, Legislative and Regulatory Service (42E), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Telephone: (202) 717-2979 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Generally, 5 U.S.C. chapter 5 establishes procedures by which Federal agencies can formulate regulations, and 5 U.S.C. 553 addresses which agency rulemakings require "notice and comment" and publication in the *Federal Register*. Also, 38 U.S.C. 501(a) gives the Secretary "authority to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by the Department." Under this broad authority, the Secretary is also authorized to repeal rules or regulations that are neither necessary nor appropriate to carry out the laws administered by the Department. See generally 5 U.S.C. 551(5) (defining "rule making" to include "repealing a rule.").

The Secretary's authority for naming cemeteries is codified in 38 U.S.C. 531, and the Secretary's authority for naming features within national cemeteries is

delegated to the Under Secretary for Memorial Affairs in 38 CFR 2.6(f)(4).

In January 1978, VA proposed regulations (43 FR 1628 (January 11, 1978)) related to the operation of the National Cemetery System. The proposed regulations were to provide rules for the Advisory Committee on Cemeteries and Memorials, the naming of national cemeteries and activities and features therein, acceptance of gifts and donations, and other topics. The proposed rule for naming cemetery activities unnecessarily restated both the statutory authority of the Secretary for naming national cemeteries and the authority delegated to the Under Secretary for Memorial Affairs in § 2.6(f)(4) to name features in national cemeteries. It also included a paragraph establishing the basis for names and stated that names of cemetery activities may be based on physical and area characteristics, the nearest important city (town), or a historical characteristic related to the area. The rule also stated that newly constructed interior thoroughfares for vehicular traffic will be known as "'drives'" and will be named after cities, counties, or States or after historically notable persons, places, or events. The rule became final on June 14, 1978.

The VA's National Cemetery Administration (NCA) honors Veterans and their eligible family members with final resting places in national shrines and with lasting tributes that commemorate their service to and sacrifice for our nation. As part of that mission, NCA owns and operates 155 national cemeteries covering more than 22,000 acres of land from Hawaii to Maine, and from Alaska to Puerto Rico.

In 1998, with sec. 1001 of the Veterans Programs Enhancement Act of 1998, Pub. L. 105-368, 112 Stat. 3315, Congress amended Title 38 of the U.S. Code to add sec. 531, which established the statutory requirement relating to naming of VA property. Effective on November 12, 1998, Department facilities, structures, or real property or major portions thereof may only be named for the geographic area in which the facility, structure or property is located. In a recent review of policy for naming national cemeteries and features, VA determined the addition of sec. 531 makes the 1978 rule no longer necessary or appropriate. For these reasons, VA proposes to remove 38 CFR 38.602.

#### **Executive Orders 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).

#### **Paperwork Reduction Act**

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521).

#### **Regulatory Flexibility Act**

The Secretary hereby certifies that this proposed 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. The naming of national cemeteries and features is an internal operations function that only affects VA national cemeteries. As well this proposed rule revokes the existing regulation and will have no economic impact on small entities. 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.

#### **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 1 (one) year. This proposed rule would have no such effect on State, local, and Tribal governments, or on the private sector.

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

Administrative practice and procedure, Cemeteries, Veterans.

#### **Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 16, 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.

**Luvenia Potts,**

*Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, and under the authority of 38 U.S.C. 501, the Department of Veterans Affairs proposes to amend 38 CFR part 38 as follows:

**PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS**

■ 1. The authority citation for part 38 continues to read as follows:

**Authority:** 38 U.S.C. 107, 501, 512, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

**§ 38.602 [Removed]**

■ 2. Remove § 38.602.

[FR Doc. 2023-05852 Filed 3-21-23; 8:45 am]

**BILLING CODE 8320-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 23-209; MB Docket No. 23-86; RM-11948; FR ID 132368]

**Radio Broadcasting Services; Tecopa, California**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Shamrock Communications, Inc., proposing to amend the FM Table of Allotments, by substituting Channel 256A for vacant Channel 288A at Tecopa, California to accommodate the hybrid modification application for Station KRZQ(FM) that proposes to upgrade from Channel 290C1 to Channel 291C at Amargosa Valley, Nevada. A staff engineering analysis indicates that Channel 256A can be allotted to Tecopa, California, consistent with the minimum distance separation requirements of the Commission’s rules, with a site restriction of 2.3 km (1.4 miles) northwest of the community. The reference coordinates are 35-50-48 NL and 116-13-27 WL.

**DATES:** Comments must be filed on or before May 5, 2023, and reply comments on or before May 22, 2023.

**ADDRESSES:** Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner and its counsel as follows: James M Lewandowski, Shamrock Communications, Inc., 149 Penn Avenue, Scranton, PA 18503 and David A O’Connor, ESQ., c/o Shamrock Communications, Inc., Wilkinson Barker Knauer, LLP, 1800 M Street NW, Suite 800N, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2054.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Federal Communications Commission’s (Commission) Notice of Proposed Rule Making, MB Docket No. 23-86, adopted March 14, 2023, and released March 14, 2023. The full text of this Commission decision is available online at <https://apps.fcc.gov/ecfs>. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting. Federal Communications Commission. **Nazifa Sawez,** Assistant Chief, Audio Division, Media Bureau.

**Proposed Rules**

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202, in the table in paragraph (b), under California, revise the entry for “Tecopa” to read as follows:

**§ 73.202 Table of Allotments.**

\* \* \* \* \*  
(b) \* \* \*

TABLE 1 TO PARAGRAPH (b)

[U.S. States]	Channel No.
* * * * *	*
<b>California</b>	
* * * * *	*
Tecopa .....	256A
* * * * *	*
* * * * *	*

[FR Doc. 2023-05794 Filed 3-21-23; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 230315-0075]

**RIN 0648-BK54**

**Atlantic Highly Migratory Species; Prohibiting Retention of Oceanic Whitetip Sharks in U.S. Atlantic Waters and Hammerhead Sharks in the U.S. Caribbean Sea**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to prohibit the retention and possession of oceanic whitetip sharks (*Carcharhinus longimanus*) in U.S. waters of the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, and