## EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submittal/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>Rule 19.1504</td>
<td>[Reserved]</td>
<td></td>
<td>6/22/2022</td>
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<tr>
<td>Rule 19.1505</td>
<td>Best Available Retrofit Technology Requirements.</td>
<td>6/22/2022</td>
<td>12/29/2023, [Insert Federal Register citation].</td>
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<tr>
<td>Rule 19.1507</td>
<td>[Reserved]</td>
<td></td>
<td>6/22/2022</td>
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### Chapter 18: Effective Date

| Rule 19.1801   | Effective Date | 6/22/2022 | 12/29/2023, [Insert Federal Register citation]. |     |

### Appendix A: Insignificant Activities List


### Appendix B: National Ambient Air Quality Standards List

| Appendix B       | National Ambient Standards List. | 6/22/2022 | 12/29/2023, [Insert Federal Register citation]. |     |

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Office of Inspector General**

**42 CFR Part 1001**

**RIN 0936–AA14**

**Action to Delay Effective Date Consistent With Congressionally Enacted Moratorium**

**AGENCY:** Office of Inspector General (OIG), Department of Health and Human Services (HHS).

**ACTION:** Final rule.

**SUMMARY:** This action stays certain amendments to the safe harbors to the Federal anti-kickback statute that were promulgated in a final rule ("Fraud And Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees") published in the Federal Register on November 30, 2020 (the 2020 Final Rule). In response to a moratorium enacted by Congress on implementation of the 2020 Final Rule, most recently in section 11301 of the Inflation Reduction Act of 2022, which extended previous moratoria on implementation, administration, or enforcement of the 2020 Final Rule until January 1, 2032, the new effective date for the amendments set forth in the 2020 Final Rule is January 1, 2032.

**DATES:** As of December 29, 2023, 42 CFR 1001.952(h)(5)(viii), 42 CFR 1001.952(h)(6) through (9), 42 CFR 1001.952(cc), and 42 CFR 1001.952(dd) are stayed until January 1, 2032.

**FOR FURTHER INFORMATION CONTACT:**


**SUPPLEMENTARY INFORMATION:**

**I. Background**

In the Federal Register published on November 30, 2020, the Department issued the 2020 Final Rule establishing four changes to the regulatory safe harbors to the Federal anti-kickback statute (section 1128B(b) of the Social Security Act). Specifically, the 2020 Final Rule: (i) amended 42 CFR 1001.952(h)(5) to remove safe harbor protection for reductions in price for prescription pharmaceutical products provided to plan sponsors under Part D by making punctuation changes to subparagraphs (5)(vi) and (vii) and adding new subparagraph paragraph...

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1 85 FR 76666 (Nov. 30, 2020).

2020 Final Rule was extended to January 1, 2023.\(^3\)

Subsequently, Congress extended this effective date three times: (i) section 90006 of the Infrastructure Investment and Jobs Act, Public Law 117–58, prohibited implementation, administration, or enforcement of the regulatory revisions established by the 2020 Final Rule prior to January 1, 2026; (ii) section 13101 of the Bipartisan Community Act, Public Law 117–159, extended the moratorium on implementation, administration, or enforcement until January 1, 2027; and (iii) section 11301 of the Inflation Reduction Act of 2022, Public Law 117–169, extended the moratorium on implementation, administration, or enforcement of the 2020 Final Rule until January 1, 2032.

**II. Final Rule**

This final rule stays the amendments made to the safe harbor regulations through the 2020 Final Rule, specifically the new paragraphs added at 42 CFR 1001.952(h)(5)(viii), 42 CFR 1001.952(h)(6)–(9), 42 CFR 1001.952(cc), and 42 CFR 1001.952(dd). Pursuant to the most recent congressional mandate in section 11301 of the Inflation Reduction Act of 2022, Public Law 117–169, the 2020 Final Rule’s revisions to the safe harbor regulations will be stayed until January 1, 2032.

**III. Regulatory Impact Statement**

As set forth below, we have examined the impact of this final rule as required by the Administrative Procedure Act, Executive Order 12866, the Regulatory Flexibility Act of 1980, the Unfunded Mandates Reform Act of 1995, and Executive Order 13132.

**A. Administrative Procedure Act**

To the extent that 5 U.S.C. 553 applies to this action, implementation of this action without opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(B). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The postponement of the effective date, until January 1, 2032, is required by law. Seeking prior public comment on this postponement would have been impracticable, as well as contrary to the public interest in the orderly issue and implementation of regulations.

**B. Executive Order 12866 and the Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act do not apply. Furthermore, this document does not meet the criteria for a significant regulatory action as specified in Executive Order 12866.

**C. Unfunded Mandates Reform Act**

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditures in any one year by State, local, or Tribal Governments in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation). We believe that this final rule will not impose any mandates on State, local, or Tribal Governments or the private sector that would result in an expenditure of $100 million or more (adjusted for inflation) in any given year, and that a full analysis under the Unfunded Mandates Reform Act is not necessary.

**D. Executive Order 13132**

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirements or costs on State and local governments, preempts State law, or otherwise has federalism implications. In reviewing this final rule under the threshold criteria of Executive Order 13132, Federalism, we have determined that this final rule would not significantly limit the rights, roles, and responsibilities of State or local governments. We have determined, therefore, that a full analysis under Executive Order 13132 is not necessary.

**IV. Paperwork Reduction Act**

In accordance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are required to solicit public comments, and receive final approval from the Office of Management and Budget, on any information collection requirements set forth in rulemaking. This final rule will not impose any information collection burden or affect information currently collected by OIG.

**List of Subjects in 42 CFR Part 1001**

Administrative practice and procedure, Fraud, Grant programs—health, Health facilities, Health professions, Maternal and child health, Medicaid, Medicare, Social Security.

For the reasons set forth above, the following provisions of 42 CFR part 1001 are stayed as set forth below:

**PART 1001—PROGRAM INTEGRITY—MEDICARE AND STATE HEALTH CARE PROGRAMS**

1. The authority citation for part 1001 continues to read as follows:

   **Authority: 42 U.S.C. 1320a–7; 1320a–7b; 1395uu; 1395w–104(e)(6); 1395y(d); 1395y(e); 1395cc(b)(2)(D), (F), and (F); 1395hh; 1842(j)(1)(D)(iv), 1842(k)(1), and sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note).**

2. In §1001.952, paragraphs (h)(5)(viii), (h)(6) through (9), (cc), and (dd) are stayed until January 1, 2032.


Xavier Becerra,
Secretary.

[FR Doc. 2023–28775 Filed 12–28–23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 30 and 150

[Docket No. USCG–2022–0327]

RIN 1625–AC73

2022 Liquid Chemical Categorization Updates

Correction

In rule document 2023–25026, appearing on pages 81184 through 81234 in the issue of Tuesday, November 21, 2023, make the following corrections:

§30.25–1 Cargo carried in vessels certificated under the rules of this subchapter. [Corrrected]

1. On page 81188, in the second column, on the fourth line from the bottom, “(≤75%)” should read “(>75%)”.  

2. On the same page, in the same column, on the third and second lines from the bottom, “(≥5%)” should read “(≥5%)”.  

3. On page 81189, in the table, in the eighteenth row, “(≤75%)” should read “(≥5%)”.  

4. On the same page, in the same table, in the nineteenth row, “(≥5%)” should read “(≥5%)”.  

5. On the same page, in the same table, following the twenty-fourth row,