

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing airworthiness directive (AD) 2021–11–17, Amendment 39–21579 (86 FR 31087, June 11, 2021); and AD 2021–11–22, Amendment 39–21584 (86 FR 31101, June 11, 2021); and

■ b. Adding the following new AD:

Airbus Helicopters Deutschland GmbH (AHD): Docket No. FAA–2024–0462; Project Identifier MCAI–2022–00523–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 25, 2024.

(b) Affected ADs

This AD replaces AD 2021–11–17, Amendment 39–21579 (86 FR 31087, June 11, 2021), and AD 2021–11–22, Amendment 39–21584 (86 FR 31101, June 11, 2021).

Note 1 to paragraph (b): The requirements of this AD capture the latest tasks and life limits required to prevent the unsafe conditions addressed by the ADs that are identified in paragraph (b) of this AD.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, and EC635T2+ helicopters, certificated in any category.

Note 2 to paragraph (c): Helicopters with an EC135P3H designation are Model EC135P3 helicopters, and helicopters with an EC135T3H designation are Model EC135T3 helicopters.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6310, Main Rotor Control.

(e) Unsafe Condition

This AD was prompted by new and more restrictive airworthiness limitations. The FAA is issuing this AD to prevent failure of certain parts, which if not addressed, could result in subsequent loss of control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Action

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0067, dated April 13, 2022 (EASA AD 2022–0067).

(h) Exceptions to EASA AD 2022–0067

(1) Where EASA AD 2022–0067 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the requirements specified in paragraphs (1), (2), (4), and (5) of EASA AD 2022–0067.

(3) Where paragraph (3) of EASA AD 2022–0067 specifies “Within 12 months after the effective date of this AD, revise the approved AMP,” this AD requires replacing that text with “Within 30 days after the effective date of this AD, revise the airworthiness limitations section of your existing helicopter maintenance manual or instructions for continued airworthiness and your existing approved maintenance or inspection program, as applicable.”

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0067 is on or before the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2022–0067, or within 30 days after the effective date of this AD, whichever occurs later.

(5) This AD does not adopt the “Remarks” section of EASA AD 2022–0067.

(i) Provisions for Alternative Actions and Intervals

No alternative actions and associated thresholds and intervals, including life limits, are allowed for compliance with paragraph (g) of this AD unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2022–0067.

(j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided no passengers are onboard.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/ certificate holding district office.

(l) Related Information

For more information about this AD, contact Joe Salameh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (206) 231–3536; email joe.salameh@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0067, dated April 13, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0067, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find the EASA material on the EASA website ad.easa.europa.eu.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email ibr.inspection@nara.gov.

Issued on March 4, 2024.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024–04953 Filed 3–8–24; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket Number USCG–2024–0139]

RIN 1625-AA87

Security Zone; Cooper River, Charleston County, SC

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a permanent security zone for certain waters of the Cooper River between Charleston and Mount Pleasant, SC. This action is necessary to provide for the security and protection of life on navigable waters near the

Arthur Ravenel Jr. Bridge during the annual Cooper River Bridge Run. This proposed rulemaking would prohibit persons and vessels from entering the security zone unless authorized by the Captain of the Port Charleston or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 10, 2024.

ADDRESSES: You may submit comments identified by docket number USCG-2024-0139 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. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Marine Science Technician First Class Thomas J. Welker, Waterways Management Division, U.S. Coast Guard; telephone 843-740-3186, email Thomas.J.Welker@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
NOE	Notice of Enforcement
§	Section
U.S.C.	United States Code

II. Background, Purpose, and Legal Basis

The Cooper River Bridge Run is a long-standing 10-K race held annually with over 40,000 participants crossing the Arthur J. Ravenel Bridge over the Cooper River from Mount Pleasant, SC to Charleston, SC. Restricting access to waters around the Cooper River in the vicinity of the event has historically been addressed by the use of special local regulations or temporary final regulations establishing a security zone. With the exception of 2020, the Cooper River Bridge Run has occurred in the same location since 2006 and is anticipated to continue on an annual basis for the foreseeable future. Issuing individual regulations for this event each year would create unnecessary administrative costs and burdens.

The purpose of this rulemaking is to ensure the safety of persons and vessels before, during, and after the scheduled

race. It would also reduce administrative overhead while ensuring accurate, timely, and consistent notification of this recurring security zone. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70051 and 70124.

III. Discussion of Proposed Rule

The COTP is proposing to establish a permanent security zone enforced annually for one day in March or April for a period of approximately three hours. The security zone would cover all navigable waters encompassed within the following points beginning at 32°48'32" N, 079°56'08" W, thence east to 32°48'20" N, 079°54'18" W, thence south to 32°47'20" N, 079°54'29" W, thence west to 32°47'20" N, 079°55'28" W, thence north to origin. All coordinates are in accordance with the 1984 World Geodetic System (WGS 84). The duration of the zone is intended to ensure the security and protection of life before, during, and after the scheduled event. No vessel or person would be permitted to enter, transit through, anchor in or remain within the security zone without obtaining permission from the COTP or a designated representative. If authorization to enter, transit through, anchor in, or remain within the security zone is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of 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 section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on: (1) the security zone would only be enforced for a total of

approximately 3 hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the zone without authorization from the COTP or a designated representative, they would be able operate in the surrounding areas during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the areas during the enforcement period if authorized by the COTP or a designated representative; and (4) the Coast Guard will provide advance notification of the zone to the local maritime community by Marine Safety Information Bulletin, Broadcast Notice to Mariners, or by on-scene designated representatives.

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 security zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would 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 a security zone lasting approximately 3 hours that would prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area of the Cooper River surrounding the Arthur Ravenel Jr. Bridge over the Cooper River in Charleston County, South Carolina. Normally such actions are categorically excluded from further review under paragraph L60(a) 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–2024–0139 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. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

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, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.139 to read as follows:

§ 165.139 Security Zone; Cooper River, Charleston County, South Carolina.

(a) *Location.* The following area is a security zone: All waters of the Cooper River, and Town Creek Reaches encompassed within the following points: beginning at 32°48'32" N, 079°56'08" W, thence east to 32°48'20" N, 079°54'18" W, thence south to 32°47'20" N, 079°54'29" W, thence west to 32°47'20" N, 079°55'28" W, thence north to origin. All coordinates are in accordance with the 1984 World Geodetic System (WGS 84).

(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 (COTP) Charleston in the enforcement of the security zone.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, no person or vessel will be permitted to enter, transit, anchor, or remain within the security zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 843-740-7050 or via VHF radio on channel 16. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* (1) This section will be enforced for approximately 3 hours on one day in March or April.

(2) Notifications of enforcement date and times will be announced via one or more of the following methods: Notice of Enforcement published in the **Federal Register**, local notice to mariners, marine safety information bulletin, broadcast notice to mariners, or by on-scene designated representatives.

Dated: February 28, 2024.

F.J. DelRosso,

Captain, U.S. Coast Guard, Captain of the Port Sector Charleston.

[FR Doc. 2024-05089 Filed 3-8-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3, 8 and 20

RIN 2900-AR32

Clarification of VA's Processing of Survivors Benefits Claims

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning survivors benefits claims. With respect to claims processing, VA proposes to clarify that, if VA determines that a surviving spouse or child is eligible for dependency and indemnity compensation (DIC), VA would concurrently deny the co-existing claim for survivors pension, except where paying survivors pension would be more beneficial to the claimant, which would only be the case if the claimant is the veteran's surviving spouse and the claimant's application indicates that the claimant does not have any dependents,

is currently in a nursing home, and has applied for or is currently receiving Medicaid. The intended effect of this rulemaking is to streamline and improve the timeliness of the adjudication of claims processing for VA survivors benefits while ensuring that claimants receive the greatest benefit allowed by law.

DATES: Comments must be received on or before May 10, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov. Except as provided below, comments received before the close of the comment period will be available at 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: <https://www.regulations.gov>. VA will not post on *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; however, we will post 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 will not be considered in the final rulemaking. In accordance with the Providing Accountability Through Transparency Act of 2023, a 100 word Plain-Language Summary of this proposed rule is available at *Regulations.gov*, under RIN-2900-AR32.

FOR FURTHER INFORMATION CONTACT: Eric Baltimore, Management and Program Analyst, Pension and Fiduciary Service (21PF), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; (202) 632-8863 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: A surviving spouse or child of a Veteran may apply for any of several survivors benefits including DIC, survivors pension, and/or accrued benefits. See 38 U.S.C. 5101(b)(1). VA is required to address and make a decision on each benefit, irrespective of claimant intent, whenever a surviving spouse or child submits a claim for DIC, survivors pension, and/or accrued benefits on VA Form 21P-534 or 21P-534EZ. This proposed rule would only address VA's

processing of the survivors pension claims of surviving spouses and children whom VA has determined are eligible for DIC. VA is not proposing to change its processing of survivors pension claims in cases in which the claimant is ineligible for DIC. Nor is VA proposing to change its processing of accrued benefits claims.

DIC and survivors pension provide a basic rate of payment with increases where (1) the survivor is in need of regular aid and attendance, (2) the survivor is permanently housebound, or (3) the surviving spouse has custody of the veteran's minor child(ren), and, in each instance, the DIC rate exceeds the maximum annual pension rate. *Compare* 38 U.S.C. 1311 (providing the DIC rates for surviving spouses) and 1313 (providing the DIC rates for children), *with* 38 U.S.C. 1541 (providing the survivors pension rates for surviving spouses) and 1542 (providing the survivors pension rates for children). Because DIC and survivors pension are not payable concurrently, 38 U.S.C. 1317(a), once VA finds the survivor eligible for DIC, specific factual findings with respect to survivors pension will not result in VA paying additional benefits to that survivor.

"VA possesses a duty not only to individual claimants, but to the effective functioning of the veterans [benefits] system as a whole." *Veterans Justice Grp., LLC v. Sec'y of Veterans Affairs*, 818 F.3d 1336, 1354 (Fed. Cir. 2016). Recipients of VA's survivors benefits—especially survivors pension—are some of VA's most vulnerable beneficiaries. Most beneficiaries who receive survivors pension are elderly widows or widowers who just lost their spouse's household income and have income below the maximum annual pension rate of \$11,102 (surviving spouse with no dependents effective December 1, 2023), established by Congress for entitlement to VA survivors pension. VA believes this population is best served by VA focusing its adjudication resources in the areas more likely to result in benefits flowing to survivors. To this end, VA proposes to amend 38 CFR 3.152 to specifically state the general rule that a grant of DIC would result in the automatic denial of survivors pension, to ensure that a surviving spouse or child would receive the greater benefit more quickly.

VA acknowledges its statutory obligation to "decide all questions of law and fact necessary to a decision by [VA] under a law that affects the provision of benefits by [VA] to veterans or the dependents or survivors of veterans." 38 U.S.C. 511(a). A "decision" either grants or denies the