

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100****[CGD 05-96-085]****RIN 2115-AE84****Special Local Regulations for Marine Events; US Navy Fleet Week Parade of Ships; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, Virginia****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of implementation.

SUMMARY: This notice implements regulations governing the US Navy Fleet Week Parade of Ships, a marine event to be held in the Nauticus area of the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are needed to control vessel traffic in the vicinity of Nauticus Museum due to the confined nature of the waterway and the expected vessel congestion during the US Navy Fleet Week Parade of Ships activities. The effect will be to restrict general navigation in the regulated area for the safety of participants and spectators.

EFFECTIVE DATES: The regulations in 33 CFR 100.501 are effective from 10 a.m. to 2 p.m., October 11, 1996.

FOR FURTHER INFORMATION CONTACT: LTJG R. Christensen, marine events coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703-2199, (804) 483-8521.

SUPPLEMENTARY INFORMATION: On October 11, 1996, the US Navy will sponsor the Fleet Week Parade of Ships on the Elizabeth River in the vicinity of the Nauticus Museum. The event will consist of 10 naval vessels passing in review. A large number of spectator vessels are expected. Therefore, to ensure safety of both participants and spectators, 33 CFR 100.501 will be in effect for the event. Under provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it is registered as a participant with the event sponsor or it receives permission from the Coast Guard patrol commander. These restrictions will be in effect for a limited period and should not result in significant disruption of maritime traffic. The Coast Guard patrol commander will announce the specific periods during which the restrictions will be enforced.

Additionally, 33 CFR 100.72aa and 33 CFR 117.1007(b) will be in effect while 33 CFR 100.501 is in effect. Section 110.72aa establishes special anchorages which may be used by spectator craft.

Section 117.1007(b) provides that the draw of the Berkley Bridge shall remain closed from one hour prior to the scheduled event until one hour after the scheduled event unless the Coast Guard patrol commander allows it to be opened for passage of commercial traffic.

Dated: September 18, 1996.
Kent H. Williams,
*Vice Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.*

[FR Doc. 96-25813 Filed 10-7-96; 8:45 am]

BILLING CODE 4910-14-M**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 4****RIN 2900-AF01****Schedule for Rating Disabilities; Mental Disorders****AGENCY:** Department of Veterans Affairs.**ACTION:** Final rule.

SUMMARY: This document amends the sections of the Department of Veterans Affairs (VA) Schedule for Rating Disabilities pertaining to Mental Disorders. The intended effect of this action is to update the portion of the rating schedule that addresses mental disorders to ensure that it uses current medical terminology and unambiguous criteria, and that it reflects medical advances that have occurred since the last review.

EFFECTIVE DATE: This amendment is effective November 7, 1996.

FOR FURTHER INFORMATION CONTACT: Carol McBride, M.D., Consultant, Regulations Staff (213A), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7230.

SUPPLEMENTARY INFORMATION: VA published in the Federal Register of October 26, 1995 (60 FR 54825-31) a proposal to amend 38 CFR 4.16 and 4.125 through 4.132, those sections of the rating schedule that address mental disorders. Interested persons were invited to submit written comments on or before December 26, 1995. We received comments from the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Veterans of America, the American Psychological Association, the American Psychiatric Association, the Association of VA Chief Psychologists, and a concerned individual.

Two commenters felt that sleep and sexual disorders should be included in the rating schedule because they may affect employability and functioning.

Narcolepsy, a sleep disorder, is evaluated under diagnostic code (DC) 8108 in the neurological section of the schedule. We have published a proposed revision to the respiratory section of the schedule in the Federal Register of January 19, 1993 (58 FR 4962-69) that would add a diagnostic code (6846) and evaluation criteria for sleep apnea syndromes, another of the sleep disorders. However, in our judgment, other sleep disorders or sexual disorders would be service-connected so infrequently that they do not warrant separate diagnostic codes and evaluation criteria in the schedule. Any that are determined to be service-connected can be evaluated under "other and unspecified neurosis" (DC 9410) or other appropriate analogous condition and be evaluated under the general rating formula for mental disorders. (See 38 CFR 4.20.)

Another commenter suggested that we establish zero-percent evaluations for sexual dysfunction and personality disorders so that, although VA would not compensate for the conditions, they could be service-connected for treatment purposes.

A veteran is entitled to VA medical care for any mental disorder, including any sexual disorder, that is service-connected, i.e., is incurred in, or aggravated by, active military service. Whether a disability is service-connected, for treatment or compensation purposes, must be determined on a case by case basis. The determination is not based on whether the condition is included in the rating schedule; it is made under the VA regulations beginning at 38 CFR 3.303. Therefore, adding sexual dysfunction and personality disorders to the rating schedule could not have the effect of conferring service connection for treatment purposes, as the commenter believes, and we make no change based on this comment.

One commenter suggested that personality disorders should be included in the rating schedule.

As 38 CFR 4.1 emphasizes, the rating schedule is primarily a guide in the evaluation of disability resulting from diseases or injuries encountered as a result of or incident to military service. Since 38 CFR 3.303(c) specifically states that personality disorders are not diseases or injuries within the meaning of applicable legislation, they cannot be service-connected, and it would be inappropriate to include them in the rating schedule.