

receive disability compensation at the full dollar rate (66 FR 66763). A Filipino veteran receiving VA disability compensation at the full dollar rate as set forth in 38 CFR 3.42 would necessarily meet all of the requirements to be eligible for hospital care, nursing home care, and medical services in the same manner as a veteran. Conversely, a Filipino veteran not receiving disability compensation at the full dollar rate as set forth in 38 CFR 3.42, would not meet all of the requirements to be eligible for such care. Accordingly, we have added a new § 17.39 to state that Filipino veterans receiving disability compensation at the full dollar value under § 3.42 are eligible for hospital care, nursing home care, and medical services in the same manner as a veteran.

5 U.S.C. 553

This final rule is published without regard to the notice and comment and delayed effective date provisions of 5 U.S.C. 553 since it reflects statutory changes and incorporates other provisions already required to be met for eligibility for benefits.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this final 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. The final rule would have a direct effect only on individuals and would not have any measurable effect on small entities. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the programs affected by this rule are 64.005, 64.007, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, and 64.025.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism,

Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: April 8, 2002.

Anthony J. Principi,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR chapter I is amended as set forth below.

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

2. A new § 17.39 is added to read as follows:

§ 17.39 Certain Filipino veterans.

Filipino veterans receiving disability compensation at the full dollar value under § 3.42 of this chapter are eligible for hospital care, nursing home care, and medical services in the same manner as a veteran.

(Authority: 38 U.S.C. 501, 1734)

[FR Doc. 02–15164 Filed 6–14–02; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[Region II Docket No. PR9–242, FRL–7232–4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Commonwealth of Puerto Rico: Control of Emissions From Existing Hospital, Medical, and Infectious Waste Incinerators

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the section 111(d)/129 Plan submitted by the Commonwealth of Puerto Rico for the purpose of implementing and enforcing the Emission Guidelines (EG) for existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) units. The

plan was submitted to fulfill requirements of the Clean Air Act. The intended effect of this action is to approve a plan required by the Clean Air Act which establishes emission limits for existing HMIWI and provides for the implementation and enforcement of those limits.

EFFECTIVE DATE: This rule will be effective July 17, 2002.

ADDRESSES: Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region II Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007–1866

Caribbean Environmental Protection
Division, 1492 Ponce De Leon
Avenue, Centro Europa Building,
Suite 417, Stop 22 Santurce, Puerto
Rico 00907–4127

Puerto Rico Environmental Quality
Board, National Plaza Building, 431
Ponce De Leon Avenue, Hato Rey,
Puerto Rico

Environmental Protection Agency, Air
and Radiation Docket and Information
Center (), Air Docket (), 401 M
Street, SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT:
Demian P. Ellis, Air Programs Branch,
Environmental Protection Agency, 290
Broadway, 25th Floor, New York, New
York 10007–1866, (212) 637–3713.

SUPPLEMENTARY INFORMATION:

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- I. What action is EPA taking today?
- II. What are the details of EPA's specific action?
- III. What comments were received on the proposed approval and how has EPA responded to them?
- IV. Conclusion
- V. Administrative Requirements

I. What Action Is EPA Taking Today?

EPA is approving the Puerto Rico plan, and the elements therein, as submitted on February 20, 2001, for the control of air emissions from Hospital, Medical, and Infectious Waste Incinerators (HMIWIs). When EPA developed the New Source Performance Standard (NSPS) for HMIWI, it also developed Emission Guidelines (EG) to control air emissions from existing HMIWI. (See 62 FR 48379, September 15, 1997, 40 CFR part 60, subpart Ce (Emission Guidelines and Compliance Times for HMIWIs) and subpart Ec (Standards of Performance for HMIWIs for Which Construction is Commenced After June 20, 1996)). The Puerto Rico Environmental Quality Board (EQB) developed a plan, as required by

sections 111(d) and 129 of the Clean Air Act (CAA), 42 U.S.C. 7411(d) and 7429, to adopt the emission guidelines into its body of regulations, and EPA is acting today to approve it.

II. What Are the Details of EPA's Specific Action?

On February 20, 2001, Puerto Rico submitted a plan for implementing EPA's emission guidelines for existing Hospital, Medical, and Infectious Waste Incinerators. The plan contained several elements including: (1) A demonstration of Puerto Rico's legal authority to implement the section 111(d)/129 HMIWI Plan; (2) identification of a mechanism to enforce the emission guidelines; (3) an inventory of six (6) known designated facilities along with estimates of their air emissions; (4) emission limits that are as protective as the emission guidelines; (5) a final compliance date no later than September 15, 2002; (6) testing, monitoring, inspection, and reporting and recordkeeping requirements for the designated facilities; (7) documentation from the public hearing on the HMIWI plan; and (8) provisions to make progress reports to EPA. EPA proposed approval on February 25, 2002 (67 FR 8496).

III. What Comments Were Received on the Proposed Approval and How Has EPA Responded to Them?

There were no comments received on EPA's proposed approval of the Puerto Rico plan. Therefore, EPA is approving the plan.

IV. Conclusion

For reasons described in this action and in EPA's proposal action, EPA is approving Puerto Rico's section 111(d)/129 HMIWI plan. For further details, the reader is referred to the proposal action and the Technical Support Document.

V. Administrative Requirements

Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

Paperwork Reduction Act

This action will not impose any collection information subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, other than those previously approved and assigned OMB control number 2060-0363. For additional information concerning these requirements, See 40 CFR 60.38e. An agency may not conduct or sponsor, and a person is not required to respond to,

a collection of information unless it displays a currently valid OMB control number.

Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

Executive Order 13132

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects 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."

Under section 6(b) of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. Under section 6(c) of Executive Order 13132, EPA may not issue a regulation that has federalism implications and that preempts state law, unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

In its February 27, 2002 proposal, EPA indicated that this action may have federalism implications in the event that an HMIWI source is identified in the Commonwealth of Puerto Rico that was

not previously identified in the plan. However, EPA investigated this matter further and determined that the Puerto Rico plan applies to "all affected sources" regardless of whether it has been identified in the plan. Therefore, EPA has concluded that this rulemaking action does not have federalism implications.

Executive Order 13175

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because such businesses have already been subject to the federal plan, which mirrors this rule. Therefore, because the Federal approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must

prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing the rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it

is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: June 4, 2002.

Jane M. Kenny,

Regional Administrator, Region 2.

Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart BBB—Puerto Rico

2. Subpart BBB is amended by adding a new undesignated center heading and § 62.13106 to read as follows:

Control of Air Emissions of Designated Pollutants From Existing Hospital, Medical, and Infectious Waste Incinerators

§ 62.13106 Identification of plan.

(a) The Puerto Rico Environmental Quality Board submitted to the Environmental Protection Agency on February 20, 2001, a "State Plan for implementation and enforcement of 40 CFR part 60, subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators.

(b) Identification of sources: The plan applies to all applicable existing hospital/medical/infectious waste

incinerators for which construction commenced on or before June 20, 1996.

[FR Doc. 02-15192 Filed 6-14-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 01-150; FCC 02-78]

Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of the rules to govern and streamline review of applications for section 214 of the Communications Act of 1934, as amended (the Act), to transfer control of domestic transmission lines. These rules add predictability, efficiency, and transparency to the Commission's domestic section 214 transfer of control review process and greatly improve the Commission's current domestic section 214 transfer of control procedures. The Report and Order in CC Docket No. 01-150 was published in the **Federal Register** on April 17, 2002 (67 FR 18827). Because the new procedures entail new information collection requirements, they could not become effective until the Commission received approval from the Office of Management and Budget (OMB).

DATES: Sections 63.01, 63.03, and 63.04, published at 67 FR 18827, April 17, 2002, were approved by the OMB on June 4, 2002, and became effective on June 14, 2002.

FOR FURTHER INFORMATION CONTACT: Aaron Goldberger, Attorney-Advisor, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1580, or via the Internet at agoldber@fcc.gov

SUPPLEMENTARY INFORMATION: On March 21, 2002, the Commission released a Report and Order in CC Docket No. 01-150 (Order), April 17, 2002, (67 FR 18827) adopting rules to govern and streamline review of applications for section 214 of the Act. Specifically, the Order establishes a thirty day streamlined review process that will presumptively apply to domestic section 214 transfer applications meeting specified criteria, and that will apply on a case-by-case basis to all other domestic section 214 applications. The Order also sets forth the information