

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 or more in any one year. Though this rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This 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.

#### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

We have considered the environmental impact of this rule and

concluded that, under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because we are proposing to establish a safety zone. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### 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 amends 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:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add new § 165.T11-045 to read as follows:

§ 165.T11-045 *Safety Zone; San Diego Bay, CA.*

(a) *Location.* The following areas are safety zones:

(1) *Stationary safety zone.* From a point on land at 32°42'26" N, 117°10'25" W, thence west to 32°42'26" N, 117°11'07" W, thence southwest to 32°42'59" N, 117°11'20" W, thence southeast to 32°42'35" N, 117°10'38" W, thence southeast to 32°42'13" N, 117°10'06" W, thence northeast to point on land 32°42'19" N, 117°10'02" W, thence along shoreline to the point of origin. All coordinates are North American Datum 1983.

(2) *Moving safety zone.* A moving safety zone within one-thousand (1000) yards forward, two-hundred (200) yards on either side, and five-hundred (500) yards behind all vessels participating in the Parade of Ships-Festival of Sail as they transit through San Diego Bay. Escort vessels participating in this event will be distinguished by their 8 foot white banners and fluorescent green flags bearing the word "official".

(b) *Effective period.* This section is effective from 12:30 p.m. until 4:30 p.m. on September 12, 2002.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through or anchoring within these safety zones is prohibited unless authorized by the Coast Guard Captain of the Port, San Diego, or his designated representative.

Dated: July 29, 2002.

**S.P. Metruck,**

*Commander, Coast Guard, Captain of the Port, San Diego.*

[FR Doc. 02-21645 Filed 8-23-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 8

#### RIN 2900-AK43

#### National Service Life Insurance

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs regulations regarding National Service Life Insurance (NSLI) by revising the texts of five sections of regulations into plain English. This amendment supports an Executive Memorandum that mandates plain language in written government communications.

**DATES:** Effective Date: August 26, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Hosmer, Senior Insurance Specialist, Department of Veterans Affairs Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, Pennsylvania 19101, (215) 842-2000 ext. 4280.

**SUPPLEMENTARY INFORMATION:** The Insurance Service of the Veterans Benefits Administration (VBA) is rewriting regulatory provisions found in part 8 of title 38 of the Code of Federal Regulations in order to promote better communication with our readers.

Sections 8.0, 8.18, 8.25, and 8.33(a) provide explanations of the following subjects: The definition of and criteria for good health, total disability with regard to speech, the definition of disease or injury traceable to the extra hazards of the military or naval service, and a definition of a guardian for purposes of National Service Life Insurance. This final rule rewrites and consolidates these sections into one section, § 8.0. Language in existing § 8.0 that underwriting standards "will be developed and published" is dropped because we have established such standards. Section 8.1 provides information regarding the effective date for insurance issued under section 1922(a) of title 38 U.S.C. (Service-Disabled Veterans Insurance). Existing § 8.33(b) stipulates the actions that a guardian may undertake on behalf of either the insured or the beneficiary of an NSLI policy. The texts of §§ 8.1 and

8.33(b) have been revised for clarity and to promote better understanding.

This final rule consists of non-substantive changes and therefore it is not subject to the notice, comment and effective-date provisions of 5 U.S.C. 553.

#### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

#### Paperwork Reduction Act

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

#### 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 (RFA), 5 U.S.C. 601–612. This final rule will not affect any entity since it does not contain any substantive provisions. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program number for this regulation is 64.103.

#### List of Subjects in Part 8

Disability benefits, Life insurance, Loan programs—veterans, Military personnel, Veterans.

Approved: August 16, 2002.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 8 is amended as follows:

#### PART 8—NATIONAL SERVICE LIFE INSURANCE

1. The authority citation for part 8 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1901–1929, 1981–1988, unless otherwise noted.

2. Section 8.0 is revised to read as follows:

#### § 8.0 Definitions of terms used in connection with title 38 CFR, part 8, National Service Life Insurance.

(a) *What does the term “good health” mean?* The term *good health* means that the applicant is, from clinical or other evidence, free from any condition that would tend to:

- (1) Weaken normal physical or mental functions; or
- (2) Shorten life.

**Note to Paragraph (a):** Conditions that would affect “good health” are diseases or injuries or residuals of diseases or injuries. A “residual” is a disability that remains following the original disease or injury.

(b) *What does the term “good health criteria” mean?* The term *good health criteria* means the underwriting standards that determine whether a person is in good health. “Good health criteria” are based whenever possible, as far as practicable, on general insurance usage. “Underwriting” is the process that sets the terms, conditions, and prices for an insurance policy, by rating an applicant’s mortality risk.

(c) *What does the term “organic loss of speech” mean?* The term *organic loss of speech* means the loss of the ability to express oneself, both by voice and whisper, through the normal organs of speech if the loss is caused by physical changes in such organs. The fact that some speech can be produced through the use of artificial appliance or other organs of the body will not impact this definition.

(d) *What does the term “disease or injury traceable to the extra hazards of the military service” mean?* The term *disease or injury traceable to the extra hazards of the military service* means a disease or injury that was either caused by or can be traced back to the performance of duty in the active military, naval, or air service.

(e) *What does the term “guardian” mean?* The term *guardian* means any representative certified by the appropriate Veterans Service Center Manager, under § 13.55 of this chapter, to receive benefits in a fiduciary capacity on behalf of the insured or the beneficiary, or to take the actions listed in § 8.32.

3. Section 8.1 is revised to read as follows:

#### § 8.1 Effective date for an insurance policy issued under section 1922(a) of title 38 U.S.C. (Service-Disabled Veterans’ Insurance).

(a) *What is the effective date of the policy?* The effective date is the date policy coverage begins. Benefits due under the policy are payable any time after the effective date.

(b) *How is the effective date established?* The effective date is the date you deliver both of the following to VA:

- (1) A valid application.
- (2) A premium payment.

**Note 1 to Paragraph (b):** If your valid application and premium are mailed to VA, the postmark date will be the date of delivery.

**Note 2 to Paragraph (b):** If a postmark date is not available, the date of delivery will be the date your valid application and premium are received by VA.

(c) *Can you have a different effective date?* Yes, if you would like an effective date other than the date of delivery as described in paragraph (b) of this section, you may choose one of the following three options as an effective date:

- (1) The first day of the month in which you deliver your valid application and premium payment to VA. For example, if VA receives your application and premium payment on August 15, you may request an effective date of August 1.
- (2) The first day of the month following the month in which you deliver your valid application and premium payment. For example, if VA receives your application and premium payment on August 15, you may request an effective date of September 1.
- (3) The first day of any month up to six months prior to the month in which you deliver your valid application and premium payment. For example, if VA receives your application and premium payment on August 15, you may request an effective date of February 1 or the first day of any month following up to August 1. However, you must pay the following:

(i) The insurance reserve amount for the time period for each month starting with the requested effective date up to the first day of the month prior to the month in which you delivered your application to VA; and

(ii) The premium for the month in which you delivered your application to VA.

**Note to Paragraph (c):** For example, if your postmark date is August 15 and you request an effective date of February 1, you must pay the insurance reserve amount for February 1 through July 31, and also pay the August premium.

4. Section 8.18 is revised to read as follows:

#### § 8.18 Total disability—speech.

The organic loss of speech shall be deemed to be total disability under National Service Life Insurance.

**§ 8.25 [Removed]**

5. Section 8.25 and the undesignated center heading immediately preceding the section are removed.

**§§ 8.26 through 8.33 [Redesignated as §§ 8.25 through 8.32]**

6. Sections 8.26 through 8.33 are redesignated as §§ 8.25 through 8.32, respectively.

7. Newly redesignated § 8.32 is revised to read as follows:

**§ 8.32 Authority of the Guardian.**

*What actions does a guardian have the authority to take for insurance purposes?* The guardian of an insured or beneficiary has the authority to take the following actions:

- (a) Apply for insurance or for conversion of a policy or change of plan;
  - (b) Reinstate a policy;
  - (c) Withdraw dividends held on deposit or credit;
  - (d) Select or change a dividend option;
  - (e) Obtain a policy loan;
  - (f) Cash surrender a policy;
  - (g) Authorize a deduction from benefits or allotment from military retired pay to pay premiums;
  - (h) Apply for and receive payment of proceeds on a matured policy;
  - (i) Select or change the premium payment option;
  - (j) Apply for waiver of premiums and total disability income benefits;
  - (k) Select or change settlement options for beneficiaries; and
  - (l) Assign a beneficiary's interest as provided under section 1918 of title 38 U.S.C.
- (Authority: 38 U.S.C. 1906)

**§ 8.37 [Redesignated as § 8.33]**

8. Section 8.37 is redesignated as new § 8.33.

[FR Doc. 02-21531 Filed 8-23-02; 8:45 am]

BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 265-0363a; FRL-7266-5]

**Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Santa Barbara County Air Pollution Control District (SBCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the SBCAPCD. We are approving these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on October 25, 2002, without further notice, unless EPA receives adverse comments by September 25, 2002. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.  
 Santa Barbara County Air Pollution Control District, 26 Castilian Drive, Suite B-23, Goleta, CA 93117-3027.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX, (415) 947-4126. E-mail: [Rose.julie@EPA.gov](mailto:Rose.julie@EPA.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

**Table of Contents**

- I. The State's Submittal
  - A. What negative declarations did the State submit?
  - B. What is the purpose of the submitted negative declarations?
- II. EPA's Evaluation and Action
  - A. How is EPA evaluating the negative declarations?
  - B. Do the negative declarations meet the evaluation criteria?
  - C. Public comment and final action.
- III. Background Information
  - Why were these negative declarations submitted initially?
- IV. Administrative Requirements

**I. The State's Submittal**

*A. What Negative Declarations Did the State Submit?*

Table 1 lists the negative declarations we are approving with the dates that they were adopted by the Santa Barbara County Air Pollution Control District (SBCAPCD) and submitted by the California Air Resources Board.

TABLE 1.—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
SBCAPCD .....	Synthetic Organic Chemical Manufacturing Industry (SOCMI) Batch Processing, Reactors, and Distillation.	02-21-02	04-09-02
	Wood Furniture Manufacturing Operations .....	02-21-02	04-09-02

On June 25, 2002, this submittal was found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

*B. What Is the Purpose of the Submitted Negative Declarations?*

The negative declarations were submitted to meet the requirements of CAA section 182(a)(2)(A). Nonattainment areas are required to

adopt volatile organic compound (VOC) regulations for the published Control Technique Guideline (CTG) categories. If a nonattainment area does not have stationary sources for which EPA has published a CTG, then the area is required to submit a negative declaration. The negative declarations were submitted because there are no applicable sources within the SBCAPCD jurisdiction.

**II. EPA's Evaluation and Action**

*A. How Is EPA Evaluating the Negative Declarations?*

The negative declarations are submitted as SIP revisions and must be consistent with Clean Air Act requirements for Reasonable Available Control Technology (RACT) (see section 182(a)(2)(A)) and SIP relaxations (see sections 110(l) and 193.) To do so, the