

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

Taking of Private Property

This rule will 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 does not create an environmental risk to health or risk to safety that may 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 does 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 M16475.1D, this rule, which temporarily modifies an existing security zone, is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying 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.

§ 165.1104 [Suspended]

- Temporarily suspend § 165.1104 from 12:01 a.m. on September 11, 2002 to 11:59 p.m. on February 11, 2003.
- Add new temporary § 165.T11-048 to read as follows:

§ 165.T11-048 Security Zone: Naval Base Coronado, San Diego Bay, CA.

(a) *Location.* The following area is a security zone: on the waters along the northern shoreline of Naval Base Coronado, the area enclosed by a line connecting points beginning at 32°42' 53.0" N, 117°11' 45.0W (Point A); thence running northerly to 32°42' 55.5" N, 117°11'45.0" W, (Point B); thence running easterly to 32°42' 55.8" N, 117°11' 29.2" W, (Point C); thence southeasterly to 32°42' 49.0" N, 117°11' 17.0" W (Point D); thence southeasterly to 32°42' 41.5" N, 117°11' 04.5" W (Point E) thence running southerly to 32°42' 37.5" N, 117°11' 07.0" W (Point F); thence running southerly to 32°42' 28.5" N, 117°11' 11.0" W (Point G); thence running southeasterly to 32°42' 22.0" N, 117°10' 48.0" W (Point H); thence running southerly to 32°42' 13.0" N, 117°10' 51.0" W (Point I); thence running generally northwesterly along the shoreline of Naval Base Coronado to the beginning point.

(b) *Effective period.* This temporary section is effective from 12:01 a.m. on September 11, 2002 to 11:59 p.m. on February 11, 2003.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Air Force, U.S. Pacific Fleet, the Commander, Navy Region Southwest, or the Commanding Officer, Naval Base Coronado. Section 165.33 also contains other general requirements.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

Dated: August 28, 2002.

Robert McFarland,

Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port, San Diego, California.

[FR Doc. 02-23511 Filed 9-16-02; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AL39

Priorities for Outpatient Medical Services and Inpatient Hospital Care

AGENCY: Department of Veterans Affairs.
ACTION: Interim final rule.

SUMMARY: This document amends VA's medical regulations to establish that in scheduling appointments for non-emergency outpatient medical services and admissions for inpatient hospital care, VA will give priority to veterans with service-connected disabilities rated 50 percent or greater and veterans needing care for a service-connected disability. The Veterans' Eligibility Reform Act of 1996 authorizes VA to ensure that these two categories of veterans receive priority access to this type of care. The intended effect of this interim final rule is to carry out that authority.

DATES: *Effective Date:* September 17, 2002.

Comment Date: Comments must be received on or before November 18, 2002.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273-9289; or e-mail comments to OGCRegulations@mail.va.gov. Comments should indicate that they are submitted in response to "RIN 2900-AL39." All comments received will be

available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT:

Amy Hertz, Office of Policy and Planning (105D), at (202) 273-8934 or Roscoe Butler, Chief Policy & Operations, Health Administration Service (10C3), at (202) 273-8302. These individuals are in the Veterans Health Administration of the Department of Veterans Affairs, and are located at 810 Vermont Avenue, NW., Washington, DC 20420.

SUPPLEMENTARY INFORMATION: The Veterans' Eligibility Reform Act of 1996, Public Law No. 104-262 (Eligibility Reform Act) amended title 38, United States Code, to authorize VA to provide needed inpatient hospital care and outpatient medical services to most veterans. That law also directs VA to establish a national patient enrollment system to manage the provision of that care and services. The law directs VA to enroll veterans for care in accordance with priorities set forth in the statute, and requires that most veterans formally enroll with VA in order to receive care from VA.

However, the law also specifically provides that the Secretary shall provide care to certain veterans without their needing to enroll. Included are veterans with service-connected disabilities rated 50 percent or greater and veterans needing care for a service-connected disability. Allowing those veterans to receive care without regard to enrollment effectively gives them priority over all other veterans. The legislative history of the Eligibility Reform Act also includes references to Congress' intent that these two groups of veterans, those with a very high claim to VA services, should have priority access to care.

VA established an enrollment system through rules promulgated at 38 CFR 17.36 and 17.37. Those rules provide that veterans with disabilities rated 50 percent or greater, and veterans needing care for a service-connected disability, need not enroll to receive care from VA. The rules do not, however, afford those two groups of veterans with special priority access to VA outpatient medical services or inpatient hospital care, as authorized by law. This interim final rule rectifies that matter and expressly provides for that priority access. Moreover, it provides such priority to these veterans regardless of whether they are enrolled in the VA health care system.

Administrative Procedure Act

Since hundreds of thousands of our core constituency veterans are currently on waiting lists causing delays in their receiving treatment, we have found good cause to dispense with the notice-and-comment and delayed effective date provisions of the Administrative Procedure Act (5 U.S.C. 553). Compliance with such provisions would be impracticable and contrary to the public interest.

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).

Executive Order 12866

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

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment would 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 amendment would not directly affect any small entities. Only individuals could be directly affected. 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.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document 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: August 9, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 17 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. Section 17.49 is revised to read as follows:

§ 17.49 Priorities for Outpatient Medical Services and Inpatient Hospital Care.

In scheduling appointments for outpatient medical services and admissions for inpatient hospital care, the Under Secretary for Health shall give priority to:

- (a) Veterans with service-connected disabilities rated 50 percent or greater based on one or more disabilities or unemployability; and
- (b) Veterans needing care for a service-connected disability.

(Authority: 38 U.S.C. 101, 501, 1705, 1710.)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 70 and 71

[FRL-7374-6]

RIN 2060-AK29

Revisions To Clarify the Scope of Sufficiency Monitoring Requirements for Federal and State Operating Permits Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The EPA is promulgating this interim final rule to clarify the scope of the monitoring required in operating permits issued by State and local permitting authorities or by EPA under title V of the Clean Air Act (Act). Specifically, this interim final rule clarifies that under the sufficiency monitoring rules, all title V permits