

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD07-02-125]

**Drawbridge Operation Regulations; Memorial Drawbridge, Atlantic Intracoastal Waterway, Daytona Beach, Volusia County, FL****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Memorial Drawbridge, across the Atlantic Intracoastal Waterway, mile 830.6, Daytona Beach, Florida. This deviation allows the bridge to only open a single leaf from 6 a.m. until 6 p.m. from November 2, 2002 until December 31, 2002. A double leaf opening will be available with 30-minutes advance notice to the bridge tender. From 6:01 p.m. until 5:59 a.m. the bridge will remain in the open to navigation position. This temporary deviation is required to allow the bridge owner to safely complete emergency repairs to the bridge.

**DATES:** This deviation is effective from 6 a.m. on November 2, 2002 until 6 p.m. on December 31, 2002.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket [CGD07-02-125] will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 432, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:** The existing regulations for the Memorial Drawbridge in 33 CFR 117.261(g), require the drawbridge to open on signal; except that from 7:45 a.m. to 8:45 a.m. and from 4:45 p.m. to 5:45 p.m., Monday through Saturday except Federal holidays, the draw need open only at 8:15 a.m. and 5:15 p.m.

Volusia county officials notified the Coast Guard on October 1, 2002, that they needed to operate the bridge on a single leaf schedule to effect emergency repairs. The drawbridge will be closed to vehicular traffic during the entire

period of repair. The Commander, Seventh Coast Guard District has granted a temporary deviation from the operating requirements listed in 33 CFR 117.261(g) to complete emergency repairs to the drawbridge. This deviation, the Memorial Drawbridge, mile 830.6 at Daytona, need only open a single leaf, from 6 a.m. until 6 p.m. on November 2, 2002 to December 31, 2002. A double-leaf opening is available with a 30-minute advance notice to the bridge tender.

Dated: October 16, 2002.

**Greg Shapley,***Chief, Bridge Administration Branch, Seventh Coast Guard District.*

[FR Doc. 02-27372 Filed 10-25-02; 8:45 am]

**BILLING CODE 4910-15-U****DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 3**

RIN 2900-AH42

**Evidence for Accrued Benefits**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) adjudication regulations dealing with accrued benefits, those benefits to which an individual was entitled under existing ratings or decisions, or those based on "evidence in the file at date of death," which were due and unpaid at the time the individual died. "Evidence in the file at date of death" is now interpreted as evidence in VA's possession on or before the date of the beneficiary's death, even if such evidence was not physically located in the VA claims folder on or before the date of death. Further, "evidence necessary to complete the application" for accrued benefits is now interpreted as information necessary to establish that the claimant is within the category of eligible persons and that circumstances exist which make the claimant the specific person entitled to the accrued benefits. These amendments reflect our interpretation of the governing statute.

**DATES:** Effective Date: November 27, 2002.

**FOR FURTHER INFORMATION CONTACT:** John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7213. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On March 4, 2002, we published in the **Federal Register** (67 FR 9638-9640) a proposed rule to amend the adjudication regulations to define the terms "evidence in the file at date of death" and "evidence necessary to complete the application" for the purpose of accrued benefits.

We are also correcting a technical error we made in the second amendatory language instruction of the proposed rule. We proposed to revise "paragraph (d)(4) *introductory text*," (emphasis added) 67 FR 9640, whereas we meant to revise paragraph (d)(4) in its *entirety* (emphasis added). Despite the error in the amendatory instruction, our intent was clearly indicated in the **SUPPLEMENTARY INFORMATION** discussion of the proposed rule. There, we explained that "38 CFR 3.1000(d)(4) purports to define 'evidence in the file at date of death,'" but rather provides that VA may accept identifying, corroborating, or verifying information from certain evidence. 67 FR 9639. Further, we stated that we proposed "to revise § 3.1000(d)(4) to define 'evidence in the file at the (sic) date of death.'" 67 FR 9639. Accordingly, in this final rule, we revise paragraph (d)(4) in its entirety to conform with the explanation given in the preamble to the proposed rule.

We requested interested persons to submit comments on or before May 3, 2002. We received no comments. Based on the rationale set forth in the proposed rule, we are adopting the proposed rule as a final rule without change.

**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 final rule will 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 certifies that the adoption of the final rule will not have