

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

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. This final rule does not directly affect any small entities. Only VA beneficiaries 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 Program Numbers

The catalog of Federal Domestic Assistance program numbers for this final rule are 64.104, 64.105, 64.109, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: August 21, 2002.
Anthony J. Principi,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. Section 3.1000 is amended by revising the section heading, paragraph (c)(1), and paragraph (d)(4), to read as follows:

§ 3.1000 Entitlement under 38 U.S.C. 5121 to benefits due and unpaid upon death of a beneficiary.

* * * * *
(c) * * *

(1) If an application for accrued benefits is incomplete because the claimant has not furnished information necessary to establish that he or she is within the category of eligible persons under the provisions of paragraphs (a)(1) through (a)(4) or paragraph (b) of this section and that circumstances exist which make the claimant the specific person entitled to payment of all or part of any benefits which may have accrued, VA shall notify the claimant:

- (i) Of the type of information required to complete the application;
- (ii) That VA will take no further action on the claim unless VA receives the required information; and
- (iii) That if VA does not receive the required information within 1 year of

the date of the original VA notification of information required, no benefits will be awarded on the basis of that application.

* * * * *
(d) * * *

(4) *Evidence in the file at date of death* means 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.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL–7399–1]

OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA.

EFFECTIVE DATE: This final rule is effective October 28, 2002.

FOR FURTHER INFORMATION CONTACT: Marcia B. Mia, 202–564–7042; mia.marcia@epa.gov

SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements promulgated under the Consolidated Federal Air Rule, (CAR) which appeared in the **Federal Register** on December 14, 2000 at 65 FR 78285. The amendment also updates the table to list the information collection requirements approved by OMB on August 31, 2002 under control number 2060–0443 for the consolidation of the ICR’s for the referencing subparts of the CAR into the CAR ICR as follows: 40 CFR part 60, subpart Ka; 40 CFR part 60, subpart Kb; 40 CFR part 60, subpart VV; 40 CFR part 60, subpart DDD; 40 CFR part 60, subpart III; 40 CFR part 60, subpart NNN; 40 CFR part 60, subpart RRR; 40 CFR part 61, subpart BB; 40 CFR part 61, subpart Y; 40 CFR part 61, subpart

V; 40 CFR part 63, subpart F; 40 CFR part 63, subpart G; 40 CFR part 63, subpart H; and 40 CFR part 63, subpart I. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency’s regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB’s implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is “good cause” under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

I. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an