

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.ID, this rule 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, Vessels, 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;

Department of Homeland Security Delegation No. 0170.

■ 2. From April 3 through May 18, 2003, in § 165.1704, add temporary paragraphs (d), (e), (f) and (g) to read as follows:

#### § 165.1704 Prince William Sound, Alaska—regulated navigation area.

\* \* \* \* \*

(d) In addition to the requirements set forth in § 161.13 and § 161.60(c) of this chapter, all vessels, regardless of length, engaged in commercial service and all fishing vessels navigating or intending to navigate in the Prince William Sound VTS Area must participate in the Vessel Movement Reporting System as defined in 33 CFR part 161, subpart B and must make the voice reports required by 33 CFR 161.19, 33 CFR 161.20, and 33 CFR 161.21. The COTP may waive any of the requirements of this rule for any person, vessel or class of vessel or waterfront facility upon finding that circumstances are such that application of the reporting requirements is unnecessary for national or port security, or are contrary to the interests of navigational safety. Reports and requests for waivers to the COTP required by this section must be made by telephone to (907) 835-7205 or by radio call on VHF-FM Channel 13 to U.S. COAST GUARD VALDEZ TRAFFIC. These numbers are operational 24 hours a day, 7 days a week.

(e) The reporting exemptions set forth in 33 CFR 161.16 do not apply to this section and this section is applicable to all sizes and classes of vessels engaged in commercial service and fishing vessels.

(f) In this section, consistent with 46 U.S.C. 2101(5), *commercial service* means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(g) In this section, consistent with 46 U.S.C. 2101(11a), *fishing vessel* means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Dated: April 3, 2003.

**J.W. Underwood,**

*Rear Admiral, USCG, Commander,  
Seventeenth Coast Guard District.*

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**BILLING CODE 4910-15-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Parts 674, 682, and 685

#### Federal Student Aid Programs (Federal Perkins Loan Program, Federal Direct Loan Program, Federal Family Education Loan Program)

**ACTION:** Notice of waivers and modifications of statutory and regulatory provisions.

**SUMMARY:** The Secretary of Education announces waivers and modifications of statutory and regulatory provisions that are appropriate to assist students and borrowers under the Federal Perkins Loan Program, Federal Direct Loan Program, and Federal Family Education Loan Program who are members of the reserve components of the Armed Forces under Title 10 of the United States Code called or ordered to active duty for a period of more than 30 days, or who are regular active duty members of the Armed Forces reassigned to a different duty station for more than 30 days as a result of a military mobilization. The Secretary is issuing these waivers and modifications under the authority of Section 2(a) of the Higher Education Relief Opportunities for Students Act of 2001, Pub. L. 107-122. Section 2(b) of Pub. L. 107-122 requires the Secretary to publish a notice in the **Federal Register** specifying the waivers or modifications of statutory or regulatory provisions applicable to the student financial aid programs under title IV of the Higher Education Act of 1965, as amended (HEA), that the Secretary believes are appropriate to assist affected individuals so that they are not placed in a worse position financially, in relation to their loans, by their service. Section 2(b)(1) of Pub. L. 107-122 further provides that section 437 of the General Education Provisions Act (20 U.S.C. 1232) and Section 553 of the Administrative Procedures Act (5 U.S.C. 553) do not apply to the contents of this notice.

Section 2(c) of Pub. L. 107-122 requires the Secretary to provide an impact report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate not later than 15 months after first exercising any authority to issue a waiver or modification under section 2(a) of Pub. L. 107-122. The report will describe the impact of any waivers or modifications issued pursuant to section 2(a) of Pub. L. 107-122 on affected individuals and the programs under title IV of the HEA, and the basis for such determination,

and will include the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of the waivers or modifications.

**EFFECTIVE DATE:** May 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Harris, Senior Program Specialist, Office of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW, (8th Floor) Washington, DC 20006. Telephone: (202) 502-7521.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The Secretary is waiving or modifying the following provisions of the HEA and regulations:

#### **Federal Perkins Loan Program**

Under 34 CFR 674.33(d)(2) and section 464(e) of the HEA, there is a 3-year cumulative limit on the length of forbearances that a Perkins loan borrower can receive. To assist Perkins Loan borrowers described in the **SUMMARY** section of this notice, the Secretary is waiving these statutory and regulatory requirements so that any forbearance based on a borrower's military service is excluded from this 3-year cumulative limit.

#### **Federal Family Education Loan (FFEL) Program, Federal Direct Loan Program, and Federal Perkins Loan Program**

Depending on the loan program, borrowers may qualify for loan cancellation if they are employed full-time in specified occupations, such as teachers, childcare providers, or law enforcement officers, pursuant to sections 428J(b)(1), 428K(d)(1), 460(b)(1), and 465(a)(2)(A)-(I) and (a)(3) of the HEA, 34 CFR 674.53(d), 674.55(a)(2), 674.55(b)(5), 674.55(c)(2), 674.56(d)(1), 674.57(b)(1), 674.58(b), 674.60(b), 34 CFR 682.215(d)(1), and 34 CFR 685.217(d)(1). Generally, borrowers must perform uninterrupted, otherwise qualifying service for a specified length of time (for example, one year) or for consecutive periods of time, such as 5 consecutive years, to be eligible for loan cancellation. For all borrowers described in the **SUMMARY** section of this notice, the Secretary is waiving the requirements in the various loan

cancellation provisions that such periods of service be uninterrupted and/or consecutive. Loan holders should not consider the time that these borrowers are on active duty as an interruption in the required service for the borrower to receive a loan cancellation.

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(Catalog of Federal Domestic Assistance Numbers: 84.032 Federal Family Education Loan Program; 84.038 Federal Perkins Loan Program; and 84.268 William D. Ford Federal Direct Loan Program)

**Program Authority:** 20 U.S.C. 1071, 1087a, 1087aa.

Dated: May 8, 2003.

**Sally L. Stroup,**

*Assistant Secretary, Office of Postsecondary Education.*

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## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 4**

**RIN 2900-AK86**

#### **Schedule for Rating Disabilities: Evaluation of Tinnitus**

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

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities to state more explicitly the method of evaluation of tinnitus under diagnostic code 6260 in the portion of the rating schedule that addresses evaluation of disabilities of the ear. The intended effect of this action is to codify current

standard VA practice by stating that recurrent tinnitus will be assigned only a single 10-percent evaluation whether it is perceived in one ear, both ears, or somewhere in the head.

**EFFECTIVE DATE:** This amendment is effective June 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Audrey Tomlinson, Medical Officer, Regulations Staff (211A), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington DC 20420, (202) 273-7215.

**SUPPLEMENTARY INFORMATION:** On September 19, 2002, VA published in the **Federal Register** (67 FR 59033) a proposal to amend diagnostic code 6260 in 38 CFR 4.87, in order to codify current standard VA practice concerning the evaluation of tinnitus. It states that recurrent tinnitus will be assigned only a single ten-percent evaluation, whether it is perceived in one ear, both ears, or somewhere in the head. Interested persons were invited to submit written comments on or before November 18, 2002. We received two comments, one from the American Legion and one from a concerned individual.

One commenter felt that limiting tinnitus to a single ten-percent evaluation is arbitrary and inconsistent with other provisions of VA's Schedule for Rating Disabilities that deal with bilateral disabilities, such as those providing separate evaluations for each ear with hearing impairment. The same commenter felt that the proposed rule document offered no substantive rationale for maintaining the current assignment of a single evaluation for tinnitus, regardless of whether it is perceived in one or both ears.

We disagree. VA's Audiology and Speech Pathology Service recently wrote a booklet titled *Hearing Impairment*, an Independent Study Course for health care providers. The section on tinnitus states that the fact that most tinnitus appears to be coming from the ear led to a belief that tinnitus was generated in the inner ear, but this is not the case. It further states that damage in the inner ear may be a precursor for subjective tinnitus, but that subjective tinnitus is generated within the central auditory pathways. Comparing tinnitus, a central nervous condition, to hearing loss, a disability from damage to an organ of special sense (the ear) is not a valid comparison. We have made no change in response to this comment. Because over 200,000 veterans are currently rated for tinnitus under diagnostic code 6260 under Diseases of the Ear, for