

State Nursing Home Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and Per Diem Program.

#### 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, Government programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Veterans.

Approved: January 8, 2013.

**John R. Gingrich,**

*Chief of Staff, Department of Veterans Affairs.*

Approved: June 5, 2013.

**Jessica L. Wright,**

*Acting Under Secretary of Defense for Personnel & Readiness, Department of Defense.*

For the reasons set forth in the preamble, the Department of Veterans Affairs amends 38 CFR part 17 as follows:

#### PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

■ 2. Add an undesignated center heading and § 17.2000 to read as follows:

#### Vet Centers

##### § 17.2000 Vet Center services.

(a) *Eligibility for readjustment counseling.* Upon request, VA will provide readjustment counseling to the following individuals:

(1) A veteran who served on active duty in a theater of combat operations during a period of war.

(2) A veteran who served on active duty in an area in which hostilities occurred, or in combat against a hostile force during a period of hostilities.

(3) A veteran who served on active duty during the Vietnam era who sought or was provided counseling under 38 U.S.C. 1712A before January 1, 2004.

(4) Any member of the Armed Forces, including a member of the National Guard or reserve, who served on active duty in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom or Operation New Dawn.

(5) A family member of a veteran or servicemember who is eligible for readjustment counseling under paragraphs (a)(1) through (a)(4) of this section. For purposes of this section, family member includes, but is not limited to, the spouse, parent, child, step-family member, extended family member, and any individual who lives with the veteran or servicemember but is not a member of the family of the veteran or servicemember.

(b) *Proof of eligibility.* With the veteran's or servicemember's consent, VA will assist in obtaining proof of eligibility. For the purposes of this section, proof of service in a theater of combat operations or in an area during a period of hostilities in that area will be established by:

(1) A DD Form 214 (Certificate of Release or Discharge from Active Duty) containing notations of service in a designated theater of combat operations; or

(2) Receipt of one of the following medals: The Armed Forces Expeditionary Medal, Service Specific Expeditionary Medal (e.g., Navy Expeditionary Medal), Combat Era Specific Expeditionary Medal (e.g., the Global War on Terrorism Expeditionary Medal), Campaign Specific Medal (e.g., Vietnam Service Medal or Iraq Campaign Medal), or other combat theater awards established by public law or executive order; or

(3) Proof of receipt of Hostile Fire or Imminent Danger Pay (commonly referred to as "combat pay") or combat tax exemption after November 11, 1998.

(c) *Referral and advice.* Upon request, VA will provide an individual who does not meet the eligibility requirements of paragraph (a) of this section, solely because the individual was discharged under dishonorable conditions from active military, naval, or air service, the following:

(1) Referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside VA; and

(2) If pertinent, advice to such individual concerning such individual's rights to apply to:

(i) The appropriate military, naval or air service for review of such individual's discharge or release from such service; and

(ii) VA for a VA benefits eligibility determination under 38 CFR 3.12.

(d) *Readjustment counseling defined.* For the purposes of this section, readjustment counseling includes, but is not limited to: psychosocial assessment, individual counseling, group counseling, marital and family

counseling for military-related readjustment issues, substance abuse assessments, medical referrals, referral for additional VA benefits, employment assessment and referral, military sexual trauma counseling and referral, bereavement counseling, and outreach. A "psychosocial assessment" under this paragraph means the holistic assessing of an individual's psychological, social, and functional capacities as it relates to their readjustment from combat theaters. Readjustment counseling is provided to individuals listed in paragraphs (a)(1) through (a)(4) of this section, and to family members under paragraph (a)(5) of this section, when it would aid in the readjustment of a veteran or servicemember.

(e) *Confidentiality.* Benefits under this section are furnished solely by VA Vet Centers, which maintain confidential records independent from any other VA or Department of Defense medical records and which will not disclose such records without either the veteran or servicemember's voluntary, signed authorization, or a specific exception permitting their release. For more information, see 5 U.S.C. 552a, 38 U.S.C. 5701 and 7332, 45 CFR parts 160 and 164, and VA's System of Records 64VA15, "Readjustment Counseling Service Vet Center Program."

(Authority: 38 U.S.C. 501, 1712A, 1782, and 1783; Pub. L. 111–163, sec. 304, 401, and 402)

(The Office of Management and Budget has approved the information collection requirement in this section under control number 2900–0787.)

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R10–OAR–2013–0174; FRL–9900–03–Region10]

#### Approval and Promulgation of Implementation Plans; Washington: Puget Sound Clean Air Agency Regulatory Updates

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is taking final action to approve revisions to Washington's State Implementation Plan (SIP) submitted by the Washington State Department of Ecology on February 4, 2005 and August 2, 2006. The submissions contain revisions to the

Puget Sound Clean Air Agency (PSCAA) regulations approved by the PSCAA Board in 2003, 2004, and 2005. These revisions relate primarily to control measures for limiting volatile organic compounds (VOC) emissions. On July 16, 2013, the EPA proposed to approve these revisions into Washington's SIP. The EPA is taking final action to approve these revisions because they satisfy the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on October 17, 2013.

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2013-0174. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT-107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or the above EPA, Region 10 address. **SUPPLEMENTARY INFORMATION:** Throughout this document, wherever "we," "us," or "our" are used, it is intended to refer to the EPA.

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### I. Background

On February 4, 2005 and August 2, 2006, the Director of the Washington State Department of Ecology (Ecology) submitted revisions to the Washington SIP to incorporate regulatory changes approved by the PSCAA Board in 2003, 2004, and 2005. These regulatory changes update control measures to limit VOC emissions from motor vehicle and mobile equipment coating operations. PSCAA also removed

outdated regulations related to coatings and ink manufacturing to rely on the more stringent federal standards contained in 40 CFR part 63 (Subpart HHHHH—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing). Lastly, PSCAA modified Regulation I, Section 12.03 "Continuous Emission Monitoring System" in response to the EPA's concerns about enforcement authority. An explanation of the Clean Air Act requirements and implementing regulations that are met by this SIP, a detailed explanation of the revision, and the EPA's reasons for approving it were provided in the notice of proposed rulemaking published on July 16, 2013, and will not be restated here. See 78 FR 42480. The public comment period for this proposed rule ended on August 15, 2013. The EPA did not receive any comments on the proposal.

The February 4, 2005 and August 2, 2006 submissions also contained revisions to PSCAA Regulation I, Article 13 "Solid Fuel Burning Device Standards"; Regulation I, Section 3.11 "Civil Penalties"; Regulation I, Section 3.25 "Federal Regulation Reference Date"; and Regulation II, Section 2.07 "Gasoline Dispensing Facilities" that PSCAA subsequently revised after the 2006 submission. In the EPA's July 16, 2013 proposal we explained that we would take no action on those outdated provisions.

### II. Final Action

The EPA is approving and incorporating by reference into the SIP revisions to the PSCAA regulations found in Regulation I, Section 12.03 "Continuous Emission Monitoring Systems" adopted September 23, 2004; Regulation II, Section 1.05 "Special Definitions" adopted July 24, 2003; and Regulation II, Section 3.04 "Motor Vehicle and Mobile Equipment Coating Operations" adopted July 24, 2003, because they are consistent with CAA requirements. The EPA is removing from the Washington SIP Regulation II, Section 3.11 "Coatings and Ink Manufacturing" because these emission sources are covered by more stringent federal standards.

### III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action

merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law. The SIP is not approved to apply in Indian country located in the State, except for non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the Puyallup Tribe of Indians Settlement Act of 1989, 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area and the EPA is therefore approving this SIP on such lands. Consistent with EPA policy, the EPA nonetheless

provided a consultation opportunity to the Puyallup Tribe in a letter dated June 6, 2013. The EPA did not receive a request for consultation.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 18, 2013. Filing a petition for reconsideration by the Administrator of

this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 3, 2013.  
**Dennis J. McLerran,**  
*Regional Administrator, Region 10.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart WW—Washington**

■ 2. Section 52.2470 is amended in paragraph (c) Table 4—PUGET SOUND CLEAN AIR AGENCY REGULATIONS:

■ a. By revising entry 12.03 under the heading “Regulation I—Article 12: Standards of Performance for Continuous Emission Monitoring Systems.”

■ b. By revising entry 1.05 under the heading “Regulation II—Article 1: Purpose, Policy, Short Title, and Definitions.”

■ c. By revising entry 3.04 under the heading “Regulation II—Article 3: Miscellaneous Volatile Organic Compound Emission Standards.”

■ d. By removing entry 3.11 “Coatings and Ink Manufacturing” under the heading

“Regulation II—Article 3: Miscellaneous Volatile Organic Compound Emission Standards.”

**§ 52. 2470 Identification of plan.**

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TABLE 4—PUGET SOUND CLEAN AIR AGENCY REGULATIONS

State citation	Title/Subject	State adopted date	EPA Approval date	Explanations
* * * * *				
<b>Regulation I—Article 12: Standards of Performance for Continuous Emission Monitoring Systems</b>				
12.03	Continuous Emission Monitoring Systems.	9/23/04	9/17/13	[Insert page number where the document begins].
* * * * *				
<b>Regulation II—Article 1: Purpose, Policy, Short Title, and Definitions</b>				
1.05	Special Definitions	7/24/03	9/17/13	[Insert page number where the document begins].
* * * * *				
<b>Regulation II—Article 3: Miscellaneous Volatile Organic Compound Emission Standards</b>				
3.04	Motor Vehicle and Mobile Equipment Coating Operations.	7/24/03	9/17/13	[Insert page number where the document begins].
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