

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720-AA17

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Partial Hospitalization

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule; Delay of grace period.

SUMMARY: This document is to advise interested parties that the Director, OCHAMPUS is extending the grace period for partial hospitalization programs (PHPs) already accredited under the Joint Commission on Accreditation of Health Care Organizations (JCAHO) general hospital standards to obtain JCAHO accreditation under the Mental Health Manual. Due to the number of PHPs requesting JCAHO accreditation, an extension of the grace period is needed to allow sufficient time for PHPs to receive the mandatory JCAHO accreditation.

EFFECTIVE DATE: November 9, 1993.

FOR FURTHER INFORMATION CONTACT:

Martha M. Maxey, Health Care Policy Analyst, Program Development Branch, Office of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), Aurora, Colorado 80045-6900, telephone (303) 361-1227.

SUPPLEMENTARY INFORMATION: On July 1, 1993 (58 FR 35400), the Department of Defense published a final rule on partial hospitalization. Included in the final rule was a one-time grace period for PHPs already accredited under the JCAHO general hospital standards to obtain JCAHO accreditation under the Mental Health Manual by April 1, 1994.

The grace period for PHPs requesting JCAHO accreditation is extended until October 1, 1994.

Dated: November 4, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-27494 Filed 11-8-93; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 2 and 3

[CGD 93-020]

RIN 2115-AD82

Captain of the Port Zone Boundaries; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the final rule (CGD 93-020) which was published Monday, October 4, 1993, (58 FR 51726). The regulations related to extending the Coast Guard Captain of the Port (COTP) zone boundaries seaward to the limit of the Exclusive Economic Zone (EEZ).
EFFECTIVE DATE: November 9, 1993.
FOR FURTHER INFORMATION CONTACT: Mary-Jo Cooney Spottswood, Project Manager and Project Counsel, Oil Pollution Act (OPA 90) Staff, (202) 267-6402.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of this correction extended the COTP Zone boundaries to the seaward limit of the EEZ and made changes to the onshore boundaries of several COTP zones.

Need for Correction

A clarification of the boundaries of the San Diego COTP zone is necessary.

Correction of Publication

Accordingly, the publication on October 4, 1993, of the final rule (CGD 93-020), which is the subject of FR Doc. 93-24206, is corrected as follows:

§ 3.55-15 [Corrected]

1. On page 51731, in the first column at line 42, § 3.55-15(b) should read:

* * * * *

(b) The San Diego Marine Inspection Zone and Captain of the Port Zone comprise the land masses and waters of Arizona; in Utah, Washington, Kane, San Juan, and Garfield Counties; in Nevada, Clark County; and in California, San Diego and Imperial Counties. The offshore boundary, which includes all ocean waters and islands contained therein, starts at the intersection of the Orange-San Diego County lines (approximately 33°22.5' N. latitude) and the California coast and proceeds seaward on a line bearing 255 T° to the outermost extent of the EEZ; thence proceeds southerly along the outermost extent of the EEZ to the intersection of

the maritime boundary with Mexico; thence easterly, along the maritime boundary with Mexico to its intersection with the California coast.

Dated: November 3, 1993.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93-27566 Filed 11-8-93; 8:45 am]

BILLING CODE 4910-14-M

33 CFR 162

[CGD 93-024]

RIN 2115-AE50

Alternating One Way Traffic Zone Restrictions in the Blue Water Bridge Area of St. Clair River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the rule affecting the class of vessels to which navigation restrictions are applicable in the Blue Water Bridge area of the St. Clair River. This final rule will lift these navigation restrictions from power driven vessels less than 55 meters in length, without a tow. Further, the final rule will impose these navigation restrictions on all vessels engaged in towing another vessel astern, alongside, or by pushing ahead, regardless of the size of the towing vessel. These changes will decrease transit time through this area while generally improving vessel navigation safety.

EFFECTIVE DATE: March 15, 1994.

FOR FURTHER INFORMATION CONTACT: Irene Hoffman, Project Manager, Vessel Traffic Services Division. The telephone number is 202-267-6277.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Irene Hoffman, Project Manager, Vessel Traffic Services Division and LT Ralph L. Hetzel, Project Counsel, Office of Chief Counsel.

Regulatory History

On August 12, 1993, the Coast Guard published a notice of proposed rulemaking amending the class of vessels affected by the St. Clair River navigation restrictions entitled, "Alternating One Way Traffic Zone Restrictions in the Blue Water Bridge Area of St. Clair River" in the *Federal Register* (58 FR 42913). The Coast Guard received three letters commenting on

the proposal. A public hearing was not requested and one was not held.

Background and Purpose

All entities involved consider the present one way traffic zone regulations in the Blue Water Bridge area to be too restrictive on vessel traffic. This final rule incorporates suggestions expressed by the Lake Carriers' Association, the Canadian Shipowner's Association, the Canadian Coast Guard's Central Region Marine Advisory Council, the Ninth U.S. Coast Guard District, and the Detroit St. Clair River Working Group.

The Canadian Coast Guard operates a Vessel Traffic Service (VTS) at Sarnia, Ontario, Canada (call sign "Sarnia Traffic"). Due to this VTS, the proximity of the subject area with Canada and shared waterways, this regulatory project amounts to a cooperative international effort. The Canadian Government is amending its corresponding regulation and expects it to be effective for the start of the 1994 navigation season on March 15, 1994.

Discussion of Comments and Changes

The Coast Guard received three letters encouraging the amendments to the class of vessels to which navigation restrictions are applicable in the Blue Water Bridge area of the St. Clair River. All comments concurred that this final rule will alleviate transit delays in this area by changing the class of vessels to which these traffic restrictions apply. At present, 33 CFR 162.134(c)(2) imposes an alternating one way traffic zone in the Blue Water Bridge area of the St. Clair River. Under this restriction, vessels of 20 meters or more in length and vessels 8 meters or more in length engaged in towing (33 CFR 162.130(b)(3)) may not overtake, come about, or meet within this traffic zone. This rule will lift these restrictions from power driven vessels less than 55 meters in length, without a tow. These regulations will still apply to dredges, floating plants, sailing vessels of 20 meters or more in length, and power driven vessels of 55 meters or more in length.

The Coast Guard has determined that allowing power driven vessels less than 55 meters in length, without a tow, to navigate freely in this area will facilitate shipping schedules that have historically been delayed because of these navigation restrictions. As two comments suggested, it will not increase the risk of collision nor compromise vessel safety.

This final rule will also impose these navigation restrictions on all vessels engaged in towing another vessel astern, alongside, or pushing ahead, rather than

only commercial vessels greater than 8 meters engaged in towing. This final rule is being enacted because the act of towing is the more important navigational safety issue, not the length of the towing vessel. Towing reduces the maneuverability of vessels and increases the risk of collision. This rule will also be more closely aligned with the corresponding Canadian regulations.

Regulatory Evaluation

This rule is not a significant regulatory action under Executive Order 12866 and is not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation is unnecessary. The final rule reduces the overall number of individuals or entities affected. The expected cost to comply with the rule should not be significantly greater than the cost of complying with the existing regulations.

Small Entities

The final rule reduces the overall number of individuals or entities affected by the existing regulations. Therefore, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a further Federalism Assessment. This rule establishes certain navigation rules for a waterway along an international border. The authority to regulate concerning the navigable waterways of the United States is committed to the Coast Guard by Statute. The Coast Guard intends this rule to preempt state action addressing the same matter, although no such action is expected.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section

2.B.2(1) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation as a procedural regulation which clearly does not have any environmental impacts. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 162

Harbors, Navigation (water), Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 162 as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. In § 162.130 the introductory text of paragraph (b)(3) is revised and paragraph (b)(4) is added to read as follows:

§ 162.130 Connecting waters from Lake Huron to Lake Erie; general rules.

(a) * * *

(b) * * *

(3) The communication rules in § 162.132, the traffic rules in § 162.134, except for § 162.134(c)(2), and the anchorage rules in § 162.136 apply to the following vessels: * * *

(4) The traffic rules contained in § 162.134(c)(2) apply to the following vessels:

- (i) Sailing vessels of 20 meters or more in length;
- (ii) Power driven vessels of 55 meters or more in length;
- (iii) Vessels engaged in towing another vessel astern, alongside or by pushing ahead; and
- (iv) Each dredge and floating plant.

* * *

Dated: October 27, 1993.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93-27567 Filed 11-8-93; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AG57

Procedural Due Process and Appellate Rights

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning procedural due process and appellate rights. This amendment is necessary to implement statutory changes concerning the content of the notice to a claimant when benefits sought are denied. The intended effect of this amendment is to bring the regulations into conformance with the statutory requirements.

EFFECTIVE DATE: This amendment is effective November 9, 1993.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 5104(b) provides that when the Secretary of Veterans Affairs denies a benefit sought, the notification to the claimant (and to the claimant's representative) of that decision must include a statement of the reasons for the denial of benefits and a summary of the evidence considered in reaching that decision. This requirement is not clearly reflected in the regulations at 38 CFR 3.103 concerning procedural due process and appellate rights. 38 CFR 3.103(f) stipulates that a claimant or beneficiary and his or her representative will be notified in writing concerning decisions that affect the payment of benefits or granting of relief and describes the content of such a notification, but does not specify the content of the notification when benefits sought are denied. We have amended 3.103(f) accordingly.

VA is issuing a final rule to implement this statutory requirement. Because this amendment implements a statutory provision, publication as a proposal for public notice and comment is unnecessary.

Since a notice of proposed rulemaking is unnecessary and will not be published, this amendment is not a "rule" as defined in and made subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2). In any case, this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. 601-612. This amendment will not directly affect any small entity.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: September 22, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

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

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. In § 3.103, paragraph (f) has been revised, and an authority citation added, to read as follows:

§ 3.103 Procedural due process and appellate rights.

* * * * *

(f) *Notification of decisions.* The claimant or beneficiary and his or her representative will be notified in writing of decisions affecting the payment of benefits or granting relief. All notifications will advise the claimant of the reason for the decision; the date the decision will be effective; the right to a hearing subject to paragraph (c) of this section; the right to initiate an appeal by filing a Notice of Disagreement which will entitle the individual to a Statement of the Case for assistance in perfecting an appeal; and the periods in which an appeal must be initiated and perfected (See part 20 of this chapter, on appeals). Further, any notice that VA has denied a benefit sought will include a summary of the evidence considered.

(Authority: 38 U.S.C. 5104)

[FR Doc. 93-27470 Filed 11-8-93; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 51**

[FRL-4686-1]

Inspection/Maintenance Program Requirements; Correcting Amendments

AGENCY: Environmental Protection Agency.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations,

Inspection/Maintenance Program Requirements, which were published Thursday, November 5, 1992, (57 FR 52950). The regulation establishes performance standards and other requirements for basic and enhanced vehicle inspection and maintenance (I/M) programs contained in the 40 CFR part 51.

EFFECTIVE DATE: This correction will take effect on November 9, 1993.

FOR FURTHER INFORMATION CONTACT: Eugene J. Tierney (313) 668-4456.

SUPPLEMENTARY INFORMATION: Background

The authority for the final regulations that are the subject of this correcting amendment, is granted to the Environmental Protection Agency (EPA) by sections 182(a), 182(b), 182(c), 184(b), 187(a) and 118 of the Clean Air Act as amended (42 U.S.C. 7401 et seq.).

EPA finds there is good cause to make this correction effective immediately because it merely corrects minor technical errors in the originally promulgated rule, and does not impose any independent requirements.

Need for Correcting Amendment

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification. The errors are not substantial nor of a technical basis as to change the original intent of the rule. Four of the corrections made in this rule need an explanation.

In § 51.351, when referring to emission standards for light-duty vehicles and light-duty trucks under 6,000 pounds GVWR and greater than 6,000 pounds GVWR meeting Tier I emission standards, the rule incorrectly refers to non-methane hydrocarbons, when, in fact the IM240 test procedure measures for total hydrocarbons, not non-methane hydrocarbons. The other standards listed here are all total hydrocarbon standards. The numerical levels of the standards are logical as total hydrocarbon standards, given the performance capability of the vehicles in question. The inclusion of the term non-methane hydrocarbons erroneously implies that measurement of non-methane is required. This was not the intent of the rule. The word "non-methane" and its acronym are being removed.

In § 51.360, the word "not" was inadvertently omitted from paragraph (a)(8). It is being added. The explanation of this provision on page 52964 of the preamble to the rule made the intent of this provision clear that it was to apply