

SUPPLEMENTARY INFORMATION:**Regulatory History**

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after Federal Register publication. Due to the complex planning and coordination involved, the sponsor of the event was unable to provide the Coast Guard with the final details for the events in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rule making procedures were followed would effectively cancel the event.

Background and Purpose

On February 15, 1996, the sponsor, Fire Island Lighthouse Preservation Society, Fire Island, NY, requested that a 15 minute fireworks display, be permitted in Great South Bay, located approximately 1000 yards southeast of Captree State Park, Fire Island, NY. The fireworks display will occur on May 26, 1996, from 9:30 p.m. until 9:45 p.m. The safety zone covers all waters of Great South Bay within a 1200 foot radius of the fireworks launching barge. This zone is required to protect the maritime community from the safety dangers associated with this fireworks display.

Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of Great South Bay and entry into this zone will be restricted for only 15 minutes on May 26, 1996. Although this regulation prevents traffic from transiting Great South Bay, at Fire Island, NY, the effect of this regulation will not be significant for several reasons: the safety zone will not impact a navigable channel; the duration of the

event is limited; the event is at a late hour; all vessel traffic may safely pass to the seaward side of this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (14 U.S.C. 632).

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This 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 action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1995, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

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; 49 CFR 1.46.

2. A temporary section, 165.T01-026, is added to read as follows:

§ 165.T01-026 Fire Island Lighthouse Fireworks Display, Fire Island, NY.

(a) *Location.* The safety zone includes all waters of Great South Bay within a 1200 foot radius of the fireworks barge, located offshore approximately 1000 yards southeast of Captree State Park in Great South Bay, Fire Island, NY, in approximate position 40°38'00" N, 073°15'00" W. (NAD 1983)

(b) *Effective date.* This section is effective on May 26, 1996, from 9:30 p.m. until 9:45 p.m., unless extended or terminated sooner by the Captain of the Port Long Island Sound. In case of inclement weather there is no rain date scheduled for this event.

(c) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

Dated: May 2, 1996.

W.R. Grawe,

Commander, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 96-11900 Filed 5-10-96; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17**RIN 2900-AH95****Medical; Nonsubstantive Miscellaneous Changes**

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

SUMMARY: This document amends the Department of Veterans Affairs medical regulations in 38 CFR Part 17 by making a number of nonsubstantive changes. More specifically, section numbers are redesignated, redundant material is removed, restatements of statutory material are removed, certain position titles and organizational titles are changed to reflect current titles, authority citations are added, obsolete material is removed, and material inadvertently deleted is restored. These changes are made for clarity and accuracy.

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT: LeRoy E. Cossette, Acting Director, Headquarters Health Administration Service (161A), Department of Veterans

Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 565-5412. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this 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 rule merely consists of nonsubstantive changes.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this rule are 64.005, 64.007, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, 64.024, and 64.025.

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, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Phillipines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: May 3 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 is revised to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

1a. The undesignated center headings preceeding §§ 17.51c, 17.55, 17.57, 17.135 and 17.400 are removed.

§§ 17.32, 17.33, 17.38, 17.46a, 17.50e, 17.51b through 17.51g, 17.52, 17.55, 17.57, 17.58, 17.60c, 17.60h, 17.99, 17.103, 17.115a, 17.115c, 17.135, 17.160, 17.165c, 17.176, 17.212 and 17.400 through 17.416 [Removed]

2. In part 17, the following sections are removed:

- a. Section 17.32;
- b. Section 17.33;
- c. Section 17.38;
- d. Section 17.46a;
- e. Section 17.50e;
- f. Section 17.51b through 17.51g;
- g. Section 17.52;
- h. Section 17.55;

- i. Section 17.57;
- j. Section 17.58;
- k. Section 17.60c;
- l. Section 17.60h;
- m. Section 17.99;
- n. Section 17.103;
- o. Section 17.115a;
- p. Section 17.115c;
- q. Section 17.135;
- r. Section 17.160;
- s. Section 17.165c;
- t. Section 17.176;
- u. Section 17.212; and
- v. Sections 17.400 through 17.416.

§§ 17.30, 17.31, 17.48, 17.51 [Amended]

3. Part 17 is further amended by removing the following paragraphs:

- a. Section 17.30 (a) through (l), and (o) through (w);
- b. Section 17.31 (a), (b) introductory text and (b)(1) through (b)(4), (b)(6), (b)(7), and (c);
- c. Section 17.48 (e)(1) through (e)(5), and (e)(8); and
- d. Section 17.51 (a)(1) through (a)(3), and (b).

§ 17.46 [Redesignated as § 17.43]

4. Section 17.46 is redesignated as § 17.43.

§ 17.47 [Redesignated as § 17.46]

4a. Section 17.47 is redesignated as § 17.46; in the newly redesignated § 17.46, paragraphs (a), (c), and (d) are removed, and paragraphs (b) and (e) are redesignated as paragraphs (a) and (b), respectively.

§ 17.60 [Redesignated as § 17.93]

5. Section 17.60 is redesignated as § 17.93, in the newly redesignated § 17.93, paragraphs (a)(1) through (a)(3), (b), (d)(1) through (d)(4), (e), and (f) are removed; paragraphs (a)(4) and (a)(5) are redesignated as paragraphs (a)(1) and (a)(2), respectively; paragraph (c) is redesignated as paragraph (b); and paragraph (d) is redesignated as paragraph (c); the newly redesignated paragraph (c)(5) is redesignated as paragraph (c)(1), and paragraph (c)(2) is reserved.

§ 17.60b [Redesignated as § 17.95]

6. Section 17.60b is redesignated as § 17.95; and in the newly redesignated § 17.95, paragraph (b) and the paragraph designation "(a)" are removed.

§ 17.78 [Redesignated as § 17.115]

7. Section 17.78 is redesignated as § 17.115, in the newly redesignated § 17.115, paragraph (b) is removed; the paragraphs designation "(a)" is removed, and paragraphs (a)(1) and (a)(2) are redesignated as paragraphs (a) and (b), respectively.

§ 17.123 [Redesignated as § 17.161]

8. Section 17.123 is redesignated as § 17.161, in the newly redesignated § 17.161 paragraph (j) is revised to read as follows:

§ 17.161 Authorization of outpatient dental treatment.

* * * * *

(j) *Class VI.* Any veterans scheduled for admission or otherwise receiving care and services under chapter 17 of 38 U.S.C. may receive outpatient dental care which is medically necessary, i.e., is for dental condition clinically determined to be complicating a medical condition currently under treatment.

9. Part 17 is amended by redesignating the following sections and paragraphs as set forth below:

Old section	New section
17.30 (m) and (n)	17.30 (a) and (b)
17.31(b)(5)	17.31
17.34	17.32
17.34a	17.33
17.35	17.34
17.36	17.35
17.37	17.36
17.39	17.37
17.42	17.40
17.45	17.41
17.45a	17.42
17.46b	17.44
17.46c	17.45
17.48	17.47
17.48 (e)(6) and (e)(7)	17.47 (e)(1) and (e)(2)
17.50a	17.51
17.50b	17.52
17.50c	17.53
17.50d	17.54
17.50f	17.55
17.51 (a)(4) and (5)	17.56 (a) and (b)
17.51a	17.60
17.51h	17.61
17.51i	17.62
17.51j	17.63
17.51k	17.64
17.51l	17.65
17.51m	17.66
17.51n	17.67
17.51o	17.68
17.51p	17.69
17.51q	17.70
17.51r	17.71
17.51s	17.72
17.53a	17.80
17.53b	17.81
17.53c	17.82
17.53d	17.83
17.54	17.84
17.56	17.90
17.56a	17.91
17.59	17.92
17.60a	17.94
17.60d	17.96
17.60e	17.97
17.60f	17.98
17.60g	17.99
17.61	17.100
17.62	17.101

Old section	New section	Old section	New section
17.63	17.102	17.220	17.242
17.64	17.103	17.260	17.250
17.65	17.104	17.261	17.251
17.65a	17.105	17.262	17.252
17.66	17.106	17.265	17.253
17.70	17.110	17.266	17.254
17.71	17.111	17.267	17.255
17.75	17.112	17.268	17.256
17.76	17.113	17.270	17.257
17.77	17.114	17.271	17.258
17.80	17.120	17.275	17.259
17.80a	17.121	17.276	17.260
17.81	17.122	17.277	17.261
17.82	17.123	17.281	17.262
17.83	17.124	17.285	17.263
17.84	17.125	17.287	17.264
17.85	17.126	17.290	17.265
17.86	17.127	17.291	17.266
17.87	17.128		
17.88	17.129		
17.89	17.130		
17.90	17.131		
17.91	17.132		
17.95	17.140		
17.96	17.141		
17.98	17.142		
17.100	17.143		
17.101	17.144		
17.102	17.145		
17.115	17.150		
17.115b	17.151		
17.115d	17.152		
17.116	17.153		
17.118	17.154		
17.119	17.155		
17.119a	17.156		
17.119b	17.157		
17.119c	17.158		
17.119d	17.159		
17.120	17.160		
17.123a	17.162		
17.123b	17.163		
17.123c	17.164		
17.124	17.165		
17.129	17.166		
17.155	17.170		
17.161	17.180		
17.165	17.190		
17.165a	17.191		
17.165b	17.192		
17.165d	17.193		
17.166	17.194		
17.166a	17.195		
17.166b	17.196		
17.166c	17.197		
17.166d	17.198		
17.167	17.199		
17.168	17.200		
17.170	17.210		
17.171	17.211		
17.172	17.212		
17.173	17.213		
17.174	17.214		
17.175	17.215		
17.177	17.216		
17.178	17.217		
17.179	17.218		
17.180	17.219		
17.181	17.220		
17.182	17.221		
17.183	17.222		
17.190	17.230		
17.210	17.240		
17.211	17.241		

§ 17.30 [Amended]

10. In § 17.30, the newly redesignated paragraphs (a)(3) and (b) are amended by removing “17.100” and adding “17.142” in place thereof.

§ 17.32 [Amended]

11. In redesignated § 17.32(e), “Chief Medical Director” is removed and “Under Secretary for Health” is added in place thereof.

§ 17.41 [Amended]

12. In redesignated § 17.41, the section heading is amended by removing “entitled to” and adding “eligible for” in place thereof.

§ 17.42 [Amended]

13. In redesignated § 17.42, “§ 17.45” is removed and “§ 17.41” is added in place thereof.

§ 17.43 [Amended]

14. In redesignated § 17.43, paragraphs (a) and (b) introductory text are amended by removing “§§ 17.46b through 17.48” and adding, “38 U.S.C. 1710, 1722, and 1729, and 38 CFR 17.44 and 17.45” in place thereof.

15. In redesignated § 17.43(e), “§ 17.62” is removed and “§ 17.101” is added in place thereof.

§ 17.46 [Amended]

16. In redesignated § 17.46(a), in the introductory text “paragraph (a) of this section,” is removed and “38 U.S.C. 1710(a)(1),” is added in place thereof, and in paragraph (a)(1) “§ 17.50(b)” is removed and “38 U.S.C. 1703 and 38 CFR 17.52” is added in place thereof.

§ 17.47 [Amended]

17. In redesignated § 17.47(b)(1), “§ 17.47(a)” is removed in both places it appears and “38 U.S.C. 1710(a)(1)” is added in place thereof.

18. In redesignated § 17.47(e)(2), “under § 17.47 (a) or (c), rather than

§ 17.47(d),” is removed and “under 38 U.S.C. 1710(a)(1) rather than § 1710(a)(2),” is added in place thereof.

19. In redesignated § 17.47(f), “17.47(d), or outpatient care under § 17.60 (e) or (f) by virtue of the veteran’s eligibility for hospital care under § 17.47(d)” is removed and “38 U.S.C. 1710(a)(2) or outpatient care under 38 U.S.C. 1712(a)(4) by virtue of the veteran’s eligibility for hospital care under 38 U.S.C. 1710(a)” is added in place thereof; and “Chief Medical Director” is removed and “Under Secretary for Health” is added in place thereof.

20. In redesignated § 17.47(g) introductory text, “entitled to” is removed and “eligible for” is added in place thereof.

21. In redesignated § 17.47(l), “§ 17.47 or § 17.60” is removed and “38 U.S.C. 1710 or 1712” is added in place thereof.

22. In § 17.49, “§ 17.47” is removed and “§ 17.46” is added in place thereof.

§ 17.50 [Amended]

23. In § 17.50, “eligible under § 17.47” is removed and “eligible under 38 U.S.C. 1710 or 38 CFR 17.44” is added in place thereof.

§ 17.51 [Amended]

24. In redesignated § 17.51, “§ 17.47” is removed and “38 U.S.C. 1710 or 38 CFR 17.46” is added in place thereof.

§ 17.52 [Amended]

25. In redesignated § 17.52(a), “§ 17.50c” is removed and “§ 17.53” is added in place thereof.

§ 17.55 [Amended]

26. In redesignated § 17.55 introductory text, “§ 17.50b” is removed and “38 U.S.C. 1703 or 38 CFR 17.52” is added in place thereof.

§ 17.56 [Amended]

27. In redesignated § 17.56(b), “§ 17.47(a) and (c), the Chief Medical Director” is removed and “38 U.S.C. 1710(a)(1), the Under Secretary for Health” is added in place thereof; “§ 17.47(d)” is removed and “38 U.S.C. 1710(a)(2)” is added in place thereof; and “§ 17.48(e)” is removed and “38 U.S.C. 1710(f)” is added in place thereof.

§ 17.61 [Amended]

28. In redesignated § 17.61(c), “§ 17.51j” is removed and “§ 17.63” is added in place thereof.

§ 17.62 [Amended]

29. In redesignated § 17.62 introductory text, “§§ 17.51h through 17.51s” is removed and “§§ 17.61 through 17.72” is added in place thereof.

§ 17.64 [Amended]

30. In redesignated § 17.64(a), “§ 17.51j(c)(3) and/or § 17.51j(e)(2)” is removed in paragraph (a) introductory text and (a)(1) and “§ 17.63(c)(3) and/or § 17.63(e)(2)” is added in place thereof.

§ 17.65 [Amended]

31. In redesignated § 17.65(c), “§ 17.51j(d) and the records standard set forth in § 17.51j(i)” is removed and “§ 17.63(d) and the records standard set forth in § 17.63(i)” is added in place thereof.

32. In redesignated § 17.65(d), “§ 17.51j(d) of this part; the bedroom standard set forth in § 17.51j(e) of this part; the activities standard set forth in § 17.51j(g) of this part; and the records standard set forth in § 17.51j(i)” is removed and “§ 17.63(d) of this part; the bedroom standard set forth in § 17.63(e) of this part; the activities standard set forth in § 17.63(g) of this part; and the records standard set forth in § 17.63(i)” is added in place thereof.

§ 17.66 [Amended]

33. In redesignated § 17.66 introductory text, “§ 17.51j” is removed and “§ 17.63” is added in place thereof.

§ 17.69 [Amended]

34. In redesignated § 17.69 introductory text, “§ 17.51m” is removed and “§ 17.66” is added in place thereof.

35. In redesignated § 17.69 introductory text, “§ 17.51o” is removed and “§ 17.68” is added in place thereof.

§ 17.70 [Amended]

36. In redesignated § 17.70(c)(2), “§ 17.51j” is removed and “§ 17.63” is added in place thereof.

§ 17.71 [Amended]

37. In redesignated § 17.71(a), “§ 17.51q” is removed and “§ 17.70” is added in place thereof and “§ 17.51j” is removed and “§ 17.63” is added in place thereof.

38. In redesignated § 17.71(c), “§ 17.51j” is removed and “§ 17.63” is added in place thereof and “§§ 17.51m–17.51r” is removed and “§§ 17.66–17.71” is added in place thereof.

§ 17.81 [Amended]

39. In redesignated § 17.81(a) introductory text, “§ 17.53a(a)” is removed and “§ 17.80(a)” is added in place thereof; and “Chief Medical Director” is removed and “Under Secretary for Health” is added in place thereof.

§ 17.82 [Amended]

40. In redesignated § 17.82(a) introductory text, “§ 17.53a” is removed and “§ 17.80” is added in place thereof.

§ 17.84 [Amended]

41. In redesignated § 17.84(c), “Chief Medical Director” is removed and “Under Secretary for Health” is added in place thereof.

§ 17.90 [Amended]

42. In redesignated § 17.90(a), “§ 17.48(j)” is removed and “§ 17.47(j)” is added in place thereof.

§ 17.92 [Amended]

43. In redesignated § 17.92, “§ 17.62(g)” is removed and “§ 17.101” is added in place thereof.

§ 17.93 [Amended]

44. In redesignated § 17.93(a), “§ 17.123” is removed and “§ 17.161” is added in place thereof.

45. In redesignated § 17.93(b), “in paragraphs (a) and (b)” is removed and “in this section and 38 U.S.C. 1712(a)(1) and (a)(2)” is added in place thereof and “§ 17.50b” is removed and “§ 17.52” is added in place thereof.

46. In redesignated § 17.93(c)(1), “§ 17.48(j)” is removed and “§ 17.47(j)” is added in place thereof.

§§ 17.94, 17.95 [Amended]

47. In redesignated §§ 17.94 and 17.95(a), “§ 17.62” is removed from each and “§ 17.101” is added in each place thereof.

§ 17.97 [Amended]

48. In redesignated § 17.97, “§ 17.60d” is removed and “38 U.S.C. 1712(h)” is added in place thereof.

§ 17.98 [Amended]

49. In redesignated § 17.98(a), “§ 17.30(1)(2) of this part” is removed and “38 U.S.C. 1701(6)(B)” is added in place thereof; and “§§ 17.47, 17.54, 17.57 or 17.60(a), (b), or (f)” is removed and “38 U.S.C. 1710, 1712, 1712A, 1713, or 1717, or 38 CFR. 17.84” is added in place thereof.

§ 17.101 [Amended]

50. In redesignated § 17.101(a), “§ 17.35” is removed and “§ 17.34” is added in place thereof.

51. In redesignated § 17.101(b)(1), “§ 17.46(c)(1) or § 17.60b” is removed and “§ 17.43(c)(1) or § 17.95” is added in place thereof.

52. In redesignated § 17.101(d), “Chief Medical Director” is removed and “Under Secretary for Health” is added in place thereof.

53. In redesignated § 17.101(f), “Chief Medical Director” is removed and

“Under Secretary for Health” is added in place thereof.

§ 17.102 [Amended]

54. In redesignated § 17.102, “§ 17.62” is removed and “§ 17.101” is added in place thereof.

§ 17.103 [Amended]

55. In redesignated § 17.103(a) introductory text, “§ 17.62(a)” is removed and “§ 17.101(a)” is added in place thereof.

56. In redesignated § 17.103(c)(1), “§ 17.62(a)” is removed and “§ 17.101(a)” is added in place thereof.

57. In redesignated § 17.103(c)(3), “§ 17.65a(c)” is removed and “§ 17.105(c)” is added in place thereof.

§ 17.104 [Amended]

58. In redesignated § 17.104(a), “§ 17.62(a) or (b)” is removed and “§ 17.101(a) or (b)” is added in place thereof.

§ 17.105 [Amended]

59. In redesignated § 17.105(a), “§ 17.62(a)” is removed and “§ 17.101(a)” is added in place thereof.

60. In redesignated § 17.105(b), “§ 17.64(b)” is removed and “§ 17.103(b)” is added in place thereof.

§ 17.112 [Amended]

61. In redesignated § 17.112, “§§ 17.76 and 17.77” is removed and “§§ 17.113 and 17.114” is added in place thereof.

§ 17.114 [Amended]

62. In redesignated § 17.114, “§ 17.76” is removed wherever it appears and “§ 17.113” is added in place thereof.

§ 17.122 [Amended]

63. In redesignated § 17.122, “§ 17.48(g),” is removed and “17.47(g)” is added in place thereof.

§ 17.125 [Amended]

64. In redesignated § 17.125(b), “Regional Office, Manila” is removed and “Outpatient Clinic (358/00), 2201 Roxas Blvd., Pasay City, 1300, Republic of the Philippines” is added in place thereof.

65. In redesignated § 17.125(c), “Chief, Outpatient Service, Department of Veterans Affairs Medical Center, 50 Irving Street NW., Washington, DC 20422” is removed and “Chief, Medical Administration Service (136), Department of Veterans Affairs Medical Center, White River Junction, VT 05009” is added in place thereof.

66. In redesignated § 17.125(d), “may be filed with the American Embassy or consulate in the country where services were provided. Claims will be developed and forwarded to the VA

Medical Center, Washington, DC, for final action. Claims may be submitted directly to the VA Medical Center, Washington, DC, if the veteran has returned to the United States before having had a chance to contact the appropriate Embassy or Consulate" is removed and "must be mailed to the Health Administration Center, P.O. Box 65023, Denver, CO 80206-3023" is added in place thereof.

§ 17.128 [Amended]

67. In redesignated § 17.128 introductory text, "§ 17.80" is removed and "§ 17.120" is added in place thereof.

§ 17.129 [Amended]

68. In redesignated § 17.129, "§ 17.85" is removed and "§ 17.126" is added in place thereof.

§ 17.141 [Amended]

69. In redesignated § 17.141, "The VA Medical Center, Washington, DC," is removed and "The Health Administration Center in Denver, CO," is added in place thereof, and "except the Republic of the Philippines" is removed and "except Canada which will be referred to the VA Medical Center in White River Junction, VT, and the Republic of the Philippines which will be referred to the VA Outpatient Clinic in Pasay City" is added in place thereof.

70. In redesignated § 17.143, paragraph (a) is revised to read as follows:

§ 17.143 Transportation of claimants and beneficiaries.

(a) "If travel will be provided, it shall be paid in accordance with 38 U.S.C. 111 and this section." is added in place thereof.

(Authority: 38 U.S.C. 111)

* * * * *

§ 17.143 [Amended]

71. In redesignated § 17.143(f)(1), "§§ 17.47 and 17.54" is removed and "38 U.S.C. 1710, 38 CFR 17.46 and 17.84" is added in place thereof.

72. In redesignated § 17.143(h), "§ 17.60 (e) and (f)" is removed and "38 U.S.C. 1712(a)(5), and 1717" is added in place thereof.

73. In redesignated § 17.143(k)(1), "§ 17.101" is removed and "38 U.S.C. 111(c) and 38 CFR 17.144" is added in place thereof.

74. In redesignated § 17.143(k)(2), "for veterans under § 17.60 (h) and (i);" is removed; "for veterans under § 17.93 (a)(2) and (d)(3)" is added in place thereof; and "§ 17.48(g), subject to limitations described in § 17.101" is

removed and "17.47(j), subject to limitations described in § 17.144" is added in place thereof.

75. In redesignated § 17.143(m), "§ 17.100, § 17.101 or § 17.102" is removed and "38 U.S.C. 111 and 38 CFR 17.143, 17.144 and 17.145" is added in place thereof.

§ 17.145 [Amended]

76. In redesignated § 17.145, an authority citation is added immediately following paragraph (b) to read: "(Authority: 38 U.S.C. 111)."

§ 17.150 [Amended]

77. In redesignated § 17.150(a), "§ 17.60 (a) through (d) and (k) through (m) (or a necessary part of outpatient care authorized under § 17.60a)" is removed and "38 U.S.C. 1712 and 38 CFR 17.93 (or a necessary part of outpatient care authorized under § 17.94)" is added in place thereof.

§ 17.157 [Amended]

78. In redesignated § 17.157, "Chief Medical Director" is removed and "Under Secretary for Health" is added in place thereof; and "§ 17.119a" is removed and "§ 17.156" is added in place thereof.

§ 17.158 [Amended]

79. In redesignated § 17.158(b), "Chief Medical Director" is removed and "Under Secretary for Health" is added in place thereof.

§ 17.160 [Amended]

80. In redesignated § 17.160(f), "§ 17.48(g)" is removed and "17.47(g)" is added in place thereof.

81. In redesignated § 17.160(g), "Chief Medical Director" is removed and "Under Secretary for Health" is added in place thereof.

§ 17.161 [Amended]

82. In redesignated § 17.161 introductory text, "§ 17.60 (a) to (d)" is removed and "38 U.S.C. 1712(b) and 38 CFR 17.93" is added in place thereof.

83. In redesignated § 17.161(i), "§ 17.48(g)" is removed and "17.47(g)" is added in place thereof.

§ 17.162 [Amended]

84. In redesignated § 17.162, "§ 17.123(b)" is removed and "§ 17.161(b)" is added in place thereof.

§ 17.170 [Amended]

85. In redesignated § 17.170(f), "§ 17.60" is removed and "38 U.S.C. 1712 and 38 CFR 17.93" is added in place thereof.

§ 17.190 [Amended]

86. In redesignated § 17.190(d), "§ 17.166a(b)" is removed and "§ 17.195(b)" is added in place thereof.

§ 17.191 [Amended]

87. In redesignated § 17.191, "Chief Medical Director" is removed in both places and "Under Secretary for Health" is added in both places.

§ 17.192 [Amended]

88. In redesignated § 17.192, the third sentence is removed.

§ 17.212 [Amended]

89. In redesignated § 17.212(a), "§§ 17.170 through 17.177" is removed and "38 U.S.C. 8131 through 8137 and § 17.210 through 17.216" is added in place thereof.

90. In redesignated § 17.212(b), "§ 17.173(d)" is removed and "§ 17.213(d)" is added in place thereof.

§ 17.213 [Amended]

91. In redesignated § 17.213(a)(3), "§§ 17.170 through 17.177" is removed and "38 U.S.C. 8135 and 38 CFR 17.210 through 17.216" is added in place thereof.

92. In redesignated § 17.213(c)(1) introductory text, "§§ 17.170 through 17.177 and appendix A to § 17.171" is removed and "§§ 17.210 through 17.216 and appendix A to § 17.211" is added in place thereof.

§ 17.214 [Amended]

93. In redesignated § 17.214(a) introductory text, "§ 17.173" is removed and "§ 17.213" is added in place thereof.

§ 17.215 [Amended]

94. In redesignated § 17.215(b), in the first and second sentences "§ 17.165" is removed and "§ 17.190" is added in place thereof.

§ 17.216 [Amended]

95. In redesignated § 17.216(c), "§§ 17.178 through 17.179" is removed and "§§ 17.217 and 17.218" is added in place thereof.

§ 17.217 [Amended]

96. In redesignated § 17.217(b), "§ 17.183" is removed and "§ 17.222" is added in place thereof.

§ 17.220 [Amended]

97. In redesignated § 17.220(b)(5), "§ 17.183(c)(5)(i)" is removed and "§ 17.222(c)(5)(i)" is added in place thereof.

§ 17.250 [Amended]

98. In redesignated § 17.250, "§ 17.260 through 17.291" is removed and

"§ 17.250 through § 17.266" is added in place thereof.

§ 17.254 [Amended]

99. In redesignated § 17.254 introductory text, "Chief Medical Director" is removed both times it appears and "Under Secretary for Health" is added in place thereof both times it appears.

§ 17.255 [Amended]

100. In redesignated § 17.255, "§ 17.266" is removed and "§ 17.254" is added in place thereof.

§ 17.257 [Amended]

101. In redesignated § 17.257 introductory text, "Chief Medical Director" is removed and "Under Secretary for Health" is added in place thereof.

102. In redesignated § 17.257(b), "§ 17.271" is removed and "§ 17.258" is added in place thereof.

103. In redesignated § 17.257(c), "§§ 17.266 through 17.268" is removed and "§§ 17.254 through 17.256" is added in place thereof.

§ 17.258 [Amended]

104. In redesignated § 17.258(b), "§§ 17.266 through 17.267" is removed and "§§ 17.254 through 17.256" is added in place thereof.

105. In redesignated § 17.258(c), "§§ 17.275 through 17.277" is removed and "§§ 17.259 through 17.261" is added in place thereof.

§ 17.262 [Amended]

106. In redesignated § 17.262, "Chief Medical Director" is removed and "Under Secretary for Health" is added in place thereof.

§ 17.350 [Amended]

107. In § 17.350, "§§ 17.37 through 17.42" is removed and "38 U.S.C. 1724 and § 1732, and 38 CFR 17.36 through 17.40" is added in place thereof.

§ 17.355 [Amended]

108. In § 17.355, "Chief Medical Director" is removed and "Under Secretary for Health" is added in place thereof.

§ 17.364 [Amended]

109. In § 17.364(a), "§§ 17.37 through 17.39" is removed and "38 U.S.C. 1724 and 1732, and 38 CFR 17.36 through 17.37" is added in place thereof.

§ 17.367 [Amended]

110. In § 17.367, "§§ 17.37 through 17.42" is removed and "38 U.S.C. 1724 and 1732, and 38 CFR 17.36 through 17.40" is added in place thereof.

* * * * *

111. In § 17.601 paragraph (f) is revised to read as follows:

§ 17.601 Definitions.

(f) Under Secretary for Health means the Under Secretary for Health for Veterans Health Administration or designee.

* * * * *

§ 17.603, 17.608, 17.609 [Amended]

112. In §§ 17.603, 17.608(c) introductory text, and 17.609, "Chief Medical Director" is removed and "Under Secretary for Health" is added in each place thereof.

[FR Doc. 96-11637 Filed 5-10-96; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BPD-856-FC]

Medicare and Medicaid Program; Criteria for a Rural Hospital To Be Designated as an Essential Access Community Hospital (EACH)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This final rule revises the criteria that a rural hospital must meet to be designated as an Essential Access Community Hospital (EACH). The revised criteria permit HCFA to designate a hospital as an EACH if the hospital cannot be designated as an EACH by the State only because it has fewer than 75 beds and is located 35 miles or less from another hospital. Hospitals in rural areas that are designated as EACHs by HCFA are treated, for payment purposes, as sole community hospitals.

The revised criteria are designed to facilitate development of network affiliations between rural EACHs and small rural facilities, known as Rural Primary Care Hospitals (RPCBs). The revisions would affect only hospitals located in rural areas of the States of California, Colorado, Kansas, South Dakota, New York, West Virginia, and North Carolina, or in an adjacent State. **DATES:** Effective Date: This regulation is effective May 13, 1996.

Comment Period: Comments will be considered if received at the appropriate address, as provided below, no later than 5 p.m. on July 12, 1996.

ADDRESSES: Mail written comments (one original and three copies) to the

following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD-856-FC, P.O. Box 7517, Baltimore, MD 21207-0517.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, or Room C5-09-26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD-856-FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

For comments that relate to information collection requirements, mail a copy of comments to: Health Care Financing Administration, Office of Financial and Human Resources, Management Planning and Analysis Staff, Room C2-26-17, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Copies: To order copies of the Federal Register containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512-1800 or by faxing to (202) 512-2250. The cost for each copy is \$8.00. As an alternative, you can view and photocopy the Federal Register document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the Federal Register.

FOR FURTHER INFORMATION CONTACT: George Morey, (410) 786-4653.

SUPPLEMENTARY INFORMATION:

I. Background

On May 26, 1993, we published in the Federal Register (58 FR 30630) a final rule to implement the Essential Access Community Hospital (EACH) Program. That program, which is authorized by