

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**Taking of Private Property**

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Security Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to security 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.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

**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. This regulation establishes a security zone. 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 record keeping requirements, Security measures, 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, 160.5; 49 CFR 1.46

2. In temporary § 165.T05-071, revise paragraph (d) to read as follows:

**§ 165.T05-071 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD.**

\* \* \* \* \*

(d) *Effective period:* This section is effective from 5 p.m. on January 9, 2002 to 5 p.m. on September 30, 2002.

\* \* \* \* \*

Dated: June 10, 2002.

**R.B. Peoples,**

*Commander, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.*

[FR Doc. 02-15217 Filed 6-13-02; 11:20 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17**

**RIN 2900-AL18**

**Filipino Veterans Eligible for Hospital Care, Nursing Home Care, and Medical Services**

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

**SUMMARY:** This document amends VA's "Medical" regulations to add provisions implementing statutory changes providing that certain Filipino veterans in receipt of disability compensation at the full dollar rate are eligible for hospital care, nursing home care, and medical services in the same manner as a veteran.

**DATES:** *Effective Date:* June 17, 2002.

**FOR FURTHER INFORMATION CONTACT:** Roscoe Butler at (202) 273-8302, Chief, Policy and Operations, Health Administration Services, Veterans Health Administration, 810 Vermont Ave., NW., Washington, DC 20420, (This is not a toll-free telephone number).

**SUPPLEMENTARY INFORMATION:** This document amends VA's "Medical" regulations in 38 CFR part 17 to add provisions implementing statutory changes made by Public Law 106-377, the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act, 2001. This act amended 38 U.S.C. 1734 to provide that the following Filipino veterans who are citizens of the United States, or aliens lawfully admitted for permanent residence in the United States, and who are in receipt of disability compensation under 38 U.S.C. Chapter 11, subchapter II or IV, are eligible for hospital care, nursing home care, and medical services in the same manner as a veteran:

Filipino veterans who had service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States under the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Command in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States.

On December 27, 2001, VA established regulations setting forth provisions for certain Filipino veterans who are citizens of the United States, or aliens lawfully admitted for permanent residence in the United States, to

receive disability compensation at the full dollar rate (66 FR 66763). A Filipino veteran receiving VA disability compensation at the full dollar rate as set forth in 38 CFR 3.42 would necessarily meet all of the requirements to be eligible for hospital care, nursing home care, and medical services in the same manner as a veteran. Conversely, a Filipino veteran not receiving disability compensation at the full dollar rate as set forth in 38 CFR 3.42, would not meet all of the requirements to be eligible for such care. Accordingly, we have added a new § 17.39 to state that Filipino veterans receiving disability compensation at the full dollar value under § 3.42 are eligible for hospital care, nursing home care, and medical services in the same manner as a veteran.

#### 5 U.S.C. 553

This final rule is published without regard to the notice and comment and delayed effective date provisions of 5 U.S.C. 553 since it reflects statutory changes and incorporates other provisions already required to be met for eligibility for benefits.

#### 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 of Veterans Affairs hereby certifies that this 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. The final rule would have a direct effect only on individuals and would not have any measurable effect on small entities. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

#### Catalog of Federal Domestic Assistance

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, 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, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: April 8, 2002.

**Anthony J. Principi**,  
*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR chapter I is amended as set forth below.

#### PART 17—MEDICAL

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

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

2. A new § 17.39 is added to read as follows:

#### § 17.39 Certain Filipino veterans.

Filipino veterans receiving disability compensation at the full dollar value under § 3.42 of this chapter are eligible for hospital care, nursing home care, and medical services in the same manner as a veteran.

(Authority: 38 U.S.C. 501, 1734)

[FR Doc. 02–15164 Filed 6–14–02; 8:45 am]

**BILLING CODE 8320–01–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 62

[Region II Docket No. PR9–242, FRL–7232–4]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Commonwealth of Puerto Rico: Control of Emissions From Existing Hospital, Medical, and Infectious Waste Incinerators

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the section 111(d)/129 Plan submitted by the Commonwealth of Puerto Rico for the purpose of implementing and enforcing the Emission Guidelines (EG) for existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) units. The

plan was submitted to fulfill requirements of the Clean Air Act. The intended effect of this action is to approve a plan required by the Clean Air Act which establishes emission limits for existing HMIWI and provides for the implementation and enforcement of those limits.

**EFFECTIVE DATE:** This rule will be effective July 17, 2002.

**ADDRESSES:** Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region II Office, Air Programs Branch,  
290 Broadway, 25th Floor, New York,  
New York 10007–1866

Caribbean Environmental Protection  
Division, 1492 Ponce De Leon  
Avenue, Centro Europa Building,  
Suite 417, Stop 22 Santurce, Puerto  
Rico 00907–4127

Puerto Rico Environmental Quality  
Board, National Plaza Building, 431  
Ponce De Leon Avenue, Hato Rey,  
Puerto Rico

Environmental Protection Agency, Air  
and Radiation Docket and Information  
Center ( ), Air Docket ( ), 401 M  
Street, SW., Washington, DC 20460

**FOR FURTHER INFORMATION CONTACT:**  
Demian P. Ellis, Air Programs Branch,  
Environmental Protection Agency, 290  
Broadway, 25th Floor, New York, New  
York 10007–1866, (212) 637–3713.

#### SUPPLEMENTARY INFORMATION:

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#### I. What Action Is EPA Taking Today?

EPA is approving the Puerto Rico plan, and the elements therein, as submitted on February 20, 2001, for the control of air emissions from Hospital, Medical, and Infectious Waste Incinerators (HMIWIs). When EPA developed the New Source Performance Standard (NSPS) for HMIWI, it also developed Emission Guidelines (EG) to control air emissions from existing HMIWI. (See 62 FR 48379, September 15, 1997, 40 CFR part 60, subpart Ce (Emission Guidelines and Compliance Times for HMIWIs) and subpart Ec (Standards of Performance for HMIWIs for Which Construction is Commenced After June 20, 1996)). The Puerto Rico Environmental Quality Board (EQB) developed a plan, as required by