

authority citation at the end of paragraph (i) to read as follows:

**§ 3.275 Criteria for evaluating net worth.**

\* \* \* \* \*

(j) *Victims of Crime Act*. There shall be excluded from the corpus of estate or net worth of a claimant any amounts received as compensation under the Victims of Crime Act of 1984 unless the total amount of assistance received from all federally funded programs is sufficient to fully compensate the claimant for losses suffered as a result of the crime.

(Authority: 42 U.S.C. 10602(c))

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**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17**

**RIN 2900-AL35**

**Co-payments for Inpatient Hospital Care Provided to Veterans Enrolled in Priority Category 7**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** VA's medical regulations include a mechanism for determining co-payments for inpatient hospital care provided to veterans by VA. This document revises that mechanism for veterans in the new priority category 7 as required by the Department of Veterans Affairs Programs Enhancement Act of 2001. That Act reduced the co-payment for inpatient hospital care for veterans in the new priority category 7.

**DATES:** *Effective Date:* October 1, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Howard, Director, Business Policy Development, Chief Business Office (161), at (202) 254-0320 (not a toll free number). This individual is in the Veterans Health Administration of the Department of Veterans Affairs, and is located at 810 Vermont Avenue, NW., Washington, DC 20420.

**SUPPLEMENTARY INFORMATION:** By law, certain veterans must agree to pay a co-payment for their inpatient hospital care and outpatient medical services provided by VA. Prior to October 1, 2002, the co-payment for inpatient hospital care was \$10 for every day the veteran received inpatient hospital care, and the lesser of: (A) The sum of the inpatient Medicare deductible for the first 90 days of care and one-half of the inpatient Medicare deductible for each subsequent 90 days of care (or fraction thereof) after the first 90 days of such

care during such 365-day period, or (B) VA's cost of providing the care. See 38 CFR 17.108(b).

Section 202(b) of the Department of Veterans Affairs Programs Enhancement Act of 2001, Public Law 107-135, created a new priority category 7 for enrollment of veterans in the VA health care system. Veterans generally must be enrolled in the VA health care system to receive VA inpatient hospital care or outpatient medical services. Veterans in the new category 7 are those who agree to pay the United States the applicable co-payment determined under 38 U.S.C. 1710(f) and 1710(g), and who are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of section 3(b) or as families under paragraph (3)(B) of section 3(b).

Section 202 of Public Law 107-135 also provided that veterans enrolled in the new priority category 7 are liable to the United States for a co-payment for inpatient hospital care of 20 percent of what they would otherwise be liable for. In this document, we revise the mechanism for determining co-payments for inpatient hospital care provided to veterans by VA as required by that law. We do this by adding an exception to the mechanism that provides: "The co-payment for inpatient hospital care for veterans enrolled in priority category 7 shall be 20 percent of the amount computed under paragraph (b)(2)."

As a result, the inpatient hospital care co-payment for veterans enrolled in the new priority category 7 is the sum of \$2 for every day the veteran receives inpatient hospital care (20 percent of \$10) plus the lesser of: (A) 20 percent of the sum of the inpatient Medicare deductible (\$168 for the 2003 calendar year, which is 20 percent of \$840) for the first 90 days of care and one-half of the inpatient Medicare deductible for each subsequent 90 days of care (or fraction thereof) after the first 90 days of such care during such 365-day period, or (B) 20 percent of VA's cost of providing the care.

**Unfunded Mandates**

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate or by the private sector, of \$100 million or more in any given year. This rule would have no such effect on

State, local, or tribal governments, or the private sector.

**Administrative Procedure Act**

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 merely reflects statutory changes, making those procedural requirements impracticable, unnecessary, and contrary to the public interest.

**Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

**Executive Order 12866**

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

**Regulatory Flexibility Act**

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, U.S.C. 601-612. This amendment would not directly affect any small entities; only individuals could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

**Catalog of Federal Domestic Assistance Number**

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document are 64.009 and 64.010.

**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: August 7, 2003.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

■ For the reasons set out in the preamble, 38 CFR part 17 is amended as follows:

**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. Section 17.108 is amended by:

- A. In paragraph (b)(1), removing “in paragraph (b)(2)” and adding, in its place, “in paragraph (b)(2) or (b)(3)”.
- B. Adding a new paragraph (b)(3).

The addition reads as follows:

**§ 17.108 Copayments for inpatient hospital care and outpatient medical care.**

\* \* \* \* \*

(a) \* \* \*

(3) The copayment for inpatient hospital care for veterans enrolled in priority category 7 shall be 20 percent of the amount computed under paragraph (b)(2) of this section.

\* \* \* \* \*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP–2003–0329; FRL–7330–2]

#### Tebufenozide; Extension of Tolerance for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation re-establishes time-limited tolerances for residues of the insecticide tebufenozide in or on garden beet roots 0.3 parts per million (ppm) and garden beet tops at 9.0 ppm for an additional 3-year period. These tolerances will expire and are revoked on December 31, 2005. This action is in response to EPA’s granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on garden beets. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18.

**DATES:** This regulation is effective October 24, 2003. Objections and requests for hearings, identified by docket ID number OPP–2003–0329, must be received on or before December 23, 2003.

**ADDRESSES:** Written objections and hearing requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:**

Stacey Groce, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–2505; e-mail address: [Groce.Stacey@epa.gov](mailto:Groce.Stacey@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are a federal or state government agency involved in administration of environmental quality programs (e.g., Departments of Agriculture, Environment). Potentially affected entities may include, but are not limited to:

- Federal or State government entity (NAICS 9241)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0329. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal

holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket ID number.

#### II. Background and Statutory Findings

EPA issued a final rule, published in the **Federal Register** of January 10, 2001 (66 FR 1875) (FRL–6760–3), which announced that on its own initiative under section 408 of the FFDCA, 21 U.S.C. 346a, as amended by the FQPA (Public Law 104–170), it established time-limited tolerances for the residues of tebufenozide in or on garden beet roots at 0.3 ppm and garden beet tops at 9.0 ppm, with an expiration date of December 31, 2002. EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to re-establish the use of tebufenozide on garden beets for this year’s growing season to control beet armyworms and western yellow armyworms in California. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of tebufenozide on garden beet roots and garden beet tops for control of armyworms in California.

EPA assessed the potential risks presented by residues of tebufenozide in or on garden beet roots and garden beet tops. In doing so, EPA considered the safety standard in section 408(b)(2) of the FFDCA, and decided that the necessary tolerances under section 408(l)(6) of the FFDCA would be