

business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and Finding of No Significant Impact are available in the docket for inspection or copying. The Coast Guard has concluded that this action will not significantly affect the quality of the human environment.

#### List of Subjects in 33 CFR Part 100

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

#### Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

1. The authority citation for Part 100 continues to read as follows:

#### **PART 100—[AMENDED]**

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new section 100.714 is added to read as follows:

#### **§ 100.714 Annual Miami Super Boat Race; Miami Beach, FL.**

(a) *Definitions.* (1) *Regulated Areas.* The regulated area includes the race course area, the spectator area, and a buffer zone.

(i) The race course area is formed by a line joining the following points: 25°46.3' N, 080°07.85' W; thence to, 25°46.3' N, 080°06.82' W; thence to, 25°51.3' N, 080°06.2' W; thence to, 25°51.3' N, 080°07.18' W; thence along the shoreline to the starting point.

All coordinates referenced use datum: NAD 1983.

(ii) A spectator area is established in the regulated area for spectator traffic and is defined by a line joining the following points, beginning from:

25°51.3' N, 080°06.15' W; thence to,

25°51.3' N, 080°05.85' W; thence to,

25°46.3' N, 080°06.55' W; thence to,

25°46.3' N, 080°06.77' W; and back to the starting point. All coordinates referenced use datum: NAD 1983.

(iii) A buffer zone of 300 feet is established between the race course and the spectator area.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Miami, Miami Beach, Florida.

(b) *Special local regulations.* (1) Entry into the race course area by other than event participants is prohibited unless otherwise authorized by the Coast Guard Patrol Commander. At the completion of scheduled races and departure of participants from the regulated area, traffic may resume normal operations. At the discretion of the Coast Guard Patrol Commander, between scheduled racing events, traffic may be permitted to resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any and all vessels to take immediate steps to avoid collision. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) Spectators not in the designated spectator areas, as defined above, are required to keep clear of the race course area at all times.

(c) *Effective Dates.* This section is effective at 12 p.m. and terminates at 4 p.m. EDT annually during the second Sunday of June.

Dated: May 16, 1996.

Roger T. Rufe, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 96-13726 Filed 5-31-96; 8:45 am]

BILLING CODE 4910-14-M

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Parts 2 and 14**

**RIN 2900-A113**

#### **Delegations of Authority; Tort Claims and Debt Collection**

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

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) regulations captioned "DELEGATIONS OF AUTHORITY" and "LEGAL SERVICES, GENERAL COUNSEL." The delegation of authority to Regional Counsels to settle certain claims (Federal Medical Care Recovery Act claims, debt collection claims, and other claims) without approval from the Office of General Counsel is raised to a limit of \$100,000. Further, this document updates statutory references and organizational titles, eliminates references to repealed statutes, eliminates redundant delegations of authority, corrects titles of VA forms, eliminates references to obsolete VA forms, reflects that the Baltimore Regional Counsel will have certain jurisdiction over incidents occurring in the Department of Veterans Affairs Central Office, eliminates restatements of Department of Justice regulations, eliminates references to internal VA matters not required to be published in the Federal Register, and makes changes for purposes of clarification.

**EFFECTIVE DATE:** This final rule is effective June 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** E. Douglas Bradshaw, Jr., Assistant General Counsel (021), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 273-6481.

**SUPPLEMENTARY INFORMATION:** This final rule consists of delegations of authority, VA policies, and 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 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 (RFA), 5 U.S.C., 601-602. This final rule would not cause a significant effect on any entities since it consists of delegations of authority, VA policies, and nonsubstantive changes. Therefore, pursuant to U.S.C. 605(b), this amendment is exempt from the initial

and final regulatory-flexibility analysis requirements of sections 603 and 604.

There are no Catalog of Federal Domestic Assistance numbers associated with these amendments.

List of Subjects

38 CFR Part 2

Authority delegations (Government agencies).

38 CFR Part 14

Administrative practice and procedure, Claims, Government employees, Lawyers, Legal services, Organization and functions (Government agencies).

Approved: May 22, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR parts 2 and 14 are amended as set forth below:

## PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 302; 38 U.S.C. 501, 512; 44 U.S.C. 3702.

### § 2.6 [Amended]

2. In § 2.6, paragraph (e)(3) is amended by adding "(Professional Staff Group I)" immediately following "Assistant General Counsel"; by adding "of said staff group" immediately following "Deputy Assistant General Counsel"; by removing "Director of Debt Management,"; by removing "\$40,000" and adding, in its place, "\$100,000"; and by removing "of the Office of the General Counsel, and further provided that claims in excess of \$100,000 may be compromised, settled, or waived only with the prior approval".

3. In § 2.6, paragraph (e)(4)(iii) is amended by removing "a third party" and adding, in its place, "an individual".

4. In § 2.6, paragraph (e)(7) is amended by removing "4116" and adding, in its place, "7316"; by removing "Veterans Health Services and Research Administration" and adding, in its place, "Veterans Health Administration".

5. In § 2.6, paragraphs (e)(10), (e)(11), and (e)(12) are redesignated as paragraphs (e)(12), (e)(10), and (e)(11), respectively; and the newly redesignated paragraph (e)(10) is further amended by removing "\$40,000" and adding, in its place, "\$100,000".

§§ 2.9 through 2.57, 2.66, 2.66a, 2.67 through 2.71, 2.75 through 2.87, 2.90, 2.92, 2.95 through 2.101 [Removed]

6. Sections 2.9 through 2.57, 2.66, 2.66a, 2.67 through 2.71, 2.75 through 2.87, 2.90, 2.92, 2.95 through 2.101 are removed.

## PART 14—LEGAL SERVICES, GENERAL COUNSEL

7. The authority citation for part 14 is revised to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 5502, 5902–5905, unless otherwise noted.

### § 14.600 [Amended]

8. In § 14.600, paragraph (b) is removed, the paragraph designation (a) is removed, and the section is amended by removing "1504," and "2110,".

### §§ 14.601, 14.602, 14.603 [Removed]

9. The undesignated center heading preceding § 14.601, and §§ 14.601, 14.602, and 14.603 are removed.

### § 14.604 [Amended]

10. Section 14.604 is amended in paragraph (a) by removing "§ 14.607" and adding, in its place, "28 CFR 14.4".

### § 14.605 [Redesignated as § 14.601]

#### § 14.601 [Amended]

11. Section 14.605 is redesignated as § 14.601 immediately following the undesignated center heading "ADMINISTRATIVE CLAIMS", paragraph (a)(1) of the newly redesignated § 14.601 is amended by removing "Injury, Occupational Illness, or Fire, and of VA Form 2162b, Report of Accident, Injury Occupational Illness, or Fire (Continued),"; paragraph (a)(2)(i) is amended by removing "on SF 92–A, Report of Accident Other Than Motor Vehicle"; paragraph (a)(3) is amended by removing "Manager, Administrative Services" and adding, in its place, "Director of Support Service, Office of the Assistant Secretary for Human Resources and Administration"; and paragraph (a)(4) is amended by removing "The Regional Counsel, Department of Veterans Affairs Regional Office, Washington, DC" and adding, in its place, "The Baltimore Regional Counsel".

12. In the newly redesignated § 14.601, paragraph (b) is revised to read as follows:

#### § 14.601 Investigation and development.

\* \* \* \* \*

(b) In medical malpractice cases, the Regional Counsel may refer a claim to the Under Secretary for Health via the Director, Medical-Legal Affairs for review and for professional opinion or

guidance. In the consideration of claims involving a medical question, the responsible Regional Counsel involved and the General Counsel will be guided by the views of the Under Secretary for Health as to the standard of medical care and treatment, the nature and extent of the injuries, the degree of temporary or permanent disability, the prognosis, the necessity for future treatment or physical rehabilitation, and any other pertinent medical aspects of a claim.

### § 14.606 [Redesignated as § 14.602]

13. Section 14.606 is redesignated as § 14.602.

### § 14.607 [Removed]

14. Section 14.607 is removed.

### § 14.608 [Redesignated as § 14.603]

#### § 14.603 [Amended]

15. Section 14.608 is redesignated as § 14.603; paragraphs (a) through (d), and the paragraph designation (e) are removed.

### § 14.609 [Removed]

16. Section 14.609 is removed.

### § 14.610 [Redesignated as § 14.605]

17. Section 14.610 is redesignated as § 14.605 immediately following the undesignated center heading "LITIGATED CLAIMS"; the newly redesignated § 14.605, paragraph (a)(1) is amended by removing "7316" and adding, in its place, "2679"; and by removing "operation of a motor vehicle" and adding, in its place, "wrongful act or omission"; paragraph (a)(2) is amended by removing "Health Services and Research Administration" and adding, in its place, "Health Administration"; paragraph (b) is amended by removing "the employee's operation of a motor vehicle incident to" and adding, in its place, "a wrongful act or omission arising out of" and in the second sentence by removing the designations (1) and (2); and the section heading for the newly redesignated § 14.605 is revised to read as follows:

**§ 14.605 Suits against Department of Veterans Affairs employees arising out of a wrongful act or omission or based upon medical care and treatment furnished in or for the Veterans Health Administration.**

\* \* \* \* \*

### § 14.618 [Amended]

18. In § 14.618, paragraphs (b) and (c) are amended by removing "\$20,000" each time it appears and adding, in its place, "\$100,000"; and paragraph (b) is further amended by removing "14.605(a)(2)(i)" and adding, in its place, "14.601(a)(2)(i)".

**§ 14.619 [Amended]**

19. In § 14.619, paragraphs (b) and (c) are amended by removing "\$40,000" each time it appears and adding, in its place, "\$100,000"; and paragraph (b) is further amended by removing "the General Counsel and claims in excess of \$100,000 may be compromised, settled, or waived only with the prior approval of".

[FR Doc. 96-13476 Filed 5-31-96; 8:45 am]

BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 63**

[AD-FRL-5512-6]

**National Emission Standards for Hazardous Air Pollutants for: Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; Ethylene Oxide Commercial Sterilization and Fumigation Operations; Perchloroethylene Dry Cleaning Facilities; and Secondary Lead Smelting**

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

**ACTION:** Final rule.

**SUMMARY:** This action promulgates final action to amend certain sections of the following promulgated standards: "National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; Final Rule" (subpart N); "National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations" (subpart O); "National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities" (subpart M); and "National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting" (subpart X). Today's action amends the Final Rules' requirement that nonmajor sources (emitting or having the potential to emit less than 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants) obtain title V operating permits. The action being taken today will substantially reduce the unnecessary and undue regulatory burden for States and local agencies, the EPA Regional Offices, and the industry during a time when all available resources are necessary for the initial

implementation of the title V permit program for major sources. Sources are still required to meet all applicable emission control requirements established by the respective maximum achievable control technology (MACT) standards. The only change from proposal to promulgation is that the 5-year deferral option, as with the other rules, is also being provided for nonmajor sources in the secondary lead smelters (subpart X) source category.

**DATES:** Effective Date: June 3, 1996.

**Judicial Review:** Under section 307(b)(1) of the Act, judicial review of national emission standards for hazardous air pollutants (NESHAP) is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

**ADDRESSES:** *Docket.* Docket No. A-88-02, containing the supporting information for the original subpart N NESHAP and this action, Docket No. A-88-03, containing the supporting information for the original subpart O NESHAP, Docket No. A-88-11, containing the supporting information for the original subpart M NESHAP, and Docket No. A-92-43, containing the supporting information for the original subpart X NESHAP, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA Air and Radiation Docket and Information Center, Waterside Mall, room M-1500, first floor, 401 M Street S.W., Washington, D.C. 20460, or by calling (202) 260-7548. These dockets also contain information considered by the EPA in developing this final rule. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lalit Banker, Emission Standards Division (MD-13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5420.

**SUPPLEMENTARY INFORMATION:****I. Background**

The proposal notice was published in the Federal Register on December 13, 1995 (60 FR 64002). No public hearing was requested. Seventeen letters commenting on the proposed rule were

received during the public comment period.

**II. Summary****A. Summary of Changes Since Proposal**

The proposed rule offered title V permitting authorities the option to defer permitting of nonmajor sources in the following source categories: chromium electroplating and chromium anodizing tanks; ethylene oxide commercial sterilization and fumigation operations; and perchloroethylene dry cleaning facilities. The rule proposed permitting nonmajor secondary lead smelters on schedule. In response to public comments received and additional analyses performed by the EPA, one change has been made to the rule since proposal. The permitting authorities will be allowed the option to defer the nonmajor sources in the secondary lead smelters source category for 5 years from title V permit requirements similar to the option for nonmajor sources in the other source categories described in the proposal. Comments were also received on possible additional permanent exemptions for any of the source categories for which temporary exemptions were being considered. Although a majority of the comments supported permanent exemptions for these nonmajor sources, the EPA has decided not to grant permanent exemptions to any additional source categories at this time. However, the EPA will make a decision regarding additional permanent exemptions by the time the temporary exemptions expire. During the permit deferral period, the EPA will continue to evaluate the State/local agencies implementation and enforcement of the standards for nonmajor sources outside of a title V permit, the likely benefit of permitting such sources, and the costs and other burdens on such sources associated with obtaining a title V permit.

**B. Significant Comments and Responses**

Comments on the proposed rule were received from the industry and State and local regulatory agencies. Except for one State agency, all commenters concurred with the EPA option to allow states to defer title V permit requirements for nonmajor sources. The representative for the State of Florida disagreed with this recommendation by contending that permitting the subject nonmajor sources through the use of title V general permits would not constitute an undue regulatory burden for a permitting agency, nor would such a mechanism be considered exceptionally onerous for small