

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

CGD05-01-071

RIN 2115-AA97

Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD**AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule; change of effective period.

SUMMARY: The Coast Guard is revising the effective period for a temporary security zone in the waters of the Chesapeake Bay near the Calvert Cliffs Nuclear Power Plant in Calvert County, MD. This security zone is necessary to help ensure public safety and security. The security zone will prohibit vessels from entering a well-defined area around Calvert Cliffs nuclear power plant.

DATES: The amendment to § 165.T05-071 (b) in this rule is effective on June 17, 2002. Section 165.T05-071 added at 67 FR 9205, February 28, 2002, effective January 9, 2002, to 5 p.m. June 15, 2002, as amended in this rule is extended in effect to 5 p.m. on September 30, 2002.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule or questions on viewing or submitting material to the docket, call LT Charles A. Roskam II, Port Safety and Security, Activities Baltimore, 2401 Hawkins Point Road, Building 70, Baltimore, Maryland, 21226-1791, telephone number (410) 576-2676.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

Due to the terrorist attacks on New York City, New York, and Washington DC, on September 11, 2001 and continued warnings from national security and intelligence officials that future terrorist attacks are possible, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to Calvert Cliffs Nuclear Power Plant. On October 3, 2001, Constellation Nuclear-Calvert Cliffs Nuclear Power Plant requested a limited access area to reduce the potential threat that may be posed by vessels that approach the power plant.

On February 28, 2002, the Coast Guard published a temporary final rule entitled "Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD," in the **Federal Register** (67 FR 9203). The temporary

rule established a security zone around the Calvert Cliffs Nuclear Power Plant.

There is a continuing need for the protection of the plant. The temporary security zone surrounding the plant is only effective to 5 p.m. on June 15, 2002. As a result, the Coast Guard is extending the effective date of the rule to 5 p.m. on September 30, 2002. There is no indication that the present rule has been burdensome on the maritime public; users of the areas surrounding the plant are able to pass safely outside the zone. No letters commenting on the present rule have been received from the public.

We did not publish a notice of proposed rulemaking (NPRM) for this rule and it is being made effective less than 30 days after publication in the **Federal Register**. When we promulgated the rule, we intended to either allow it to expire on June 15, 2002, or to cancel it if we made permanent changes before that date. If we determine that a permanent rule is warranted, we will follow normal notice and comment rulemaking procedures, and a final rule should be published before September 30, 2002. Continuing the temporary rule in effect while the permanent rule rulemaking is in progress will help to ensure the security of this facility and the safety of the public during that period. Therefore, the Coast Guard finds good cause under 5 U.S.C 553(b)(B) and (d)(3) for why a notice of proposed rulemaking and opportunity for comment is not required and why this rule will be made effective fewer than 30 days after publication in the **Federal Register**.

Regulatory Evaluation

This temporary rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it 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).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Vessels may transit around the security zone and may be permitted within the security zone with the approval of the Captain of the Port or his or her designated representative.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule would have a significant economic effect upon a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule was not preceded by a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, we have reviewed it for potential economic impact on small entities.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the office listed under **ADDRESSES**. In your comment, explain why you think it qualified and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

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.

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

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Dated: June 10, 2002.

R.B. Peoples,

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

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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