

61) were originally published at 46 FR 7953 (Jan. 26, 1981).

The Bureau's procedures were included as Appendix A of 28 CFR part 61 for informational purposes. Section 9 of Appendix A identifies actions that normally do not require the preparation of either an environmental impact statement or an environmental assessment. This amendment adds a new paragraph (3) to Section 9 in order to categorically exclude contracts for certain types of facilities. These categorically excluded actions include contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities. Based upon the Bureau's experience in undertaking such actions in the past, no significant environmental impacts normally occur as a result of such contracts and activities. A new Section 12 is also being added providing that if a proposed action is not covered by Sections 8 through 10 of the appendix, the Bureau of Prisons will independently determine whether to prepare either an environmental impact statement or an environmental assessment. In addition, when a proposed action that could be classified as a categorical exclusion under Section 9 of the appendix involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper for that proposed action.

As the Department noted when initially promulgating the regulations, the requirements of 5 U.S.C. 553 do not apply to the publication of these internal procedures. The provisions of the Department of Justice and component procedures that provide for internal management of NEPA review are exempt under 5 U.S.C. 553(a)(2). The Department, nevertheless, is issuing this amendment as an interim rule in order to afford the public an opportunity to comment.

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB. After review of the law and regulations, the Attorney General herein certifies that this amendment, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), does not have a significant impact on a substantial number of small

entities because it pertains to the agency's internal management.

This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Section 6 of Executive Order 12612, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Interested persons may submit comments on this amendment in writing to the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before the rule is finalized; comments received after the deadline will be considered to the extent practicable. All comments received remain on file for public inspection at the above address.

#### List of Subjects in 28 CFR Part 61

Environmental impact statements.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 61 of title 28 of the Code of Federal Regulations is amended as follows:

#### PART 61—PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

1. The authority citation for 28 CFR part 61 continues to read as follows:

**Authority:** 28 U.S.C. 509, 510; 5 U.S.C. 301; Executive Order No. 11991.

2. Appendix A is amended by adding a new paragraph 9.(3) and a new Section 12 to read as follows:

#### Appendix A—Bureau of Prisons—Procedures Relating to the Implementation of the National Environmental Policy Act

\* \* \* \* \*

9. \* \* \*

(3) Contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities.

\* \* \* \* \*

12. Review.

(1) If a proposed action is not covered by Sections 8 through 10 of this appendix, the Bureau of Prisons will independently determine whether to prepare either an environmental impact

statement or an environmental assessment.

(2) When a proposed action that could be classified as a categorical exclusion under Section 9 of this appendix involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper for that proposed action.

Dated: February 26, 1998.

**Janet Reno,**

*Attorney General.*

[FR Doc. 98-5791 Filed 3-5-98; 8:45 am]

BILLING CODE 4410-05-M

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 2

RIN 2900-AJ14

#### Delegations of Authority—Decisionmaking Regarding Discrimination

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends regulations of the Department of Veterans Affairs (VA) by revising the delegations of authority concerning decisionmaking regarding complaints alleging discrimination on grounds of race, color, religion, sex, national origin, age, disability or reprisal. The delegations of authority are set forth in the regulatory text portion of this document and are consistent with the provisions of the "Veterans' Benefits Act of 1997" (Public Law 105-114).

**DATES:** Effective Date: March 6, 1998.

**FOR FURTHER INFORMATION CONTACT:** John W. Klein, Assistant General Counsel (024), 202-273-6380.

**SUPPLEMENTARY INFORMATION:** This document is published without regard to the notice and comment and effective date provisions of 5 U.S.C. 553 since it relates to agency management and personnel.

#### 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. This final rule would affect only individuals. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

There is no Catalog of Federal Domestic Assistance number for this final rule.

### List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies)

Approved: February 19, 1998.

**Togo D. West, Jr.,**

*Acting Secretary.*

For the reasons stated above, 38 CFR part 2 is amended as set forth below.

## PART 2—DELEGATIONS OF AUTHORITY

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

**Authority:** 5 USC 302; 38 U.S.C. 501, 512; 44 U.S.C. 3702, unless otherwise noted.

2. In § 2.6, paragraph (e)(6) is revised to read as follows:

### § 2.6 Secretary's delegations of authority to certain officials (38 U.S.C. 512).

\* \* \* \* \*

(e) \* \* \*

(6) This section sets forth delegations of authority concerning decisionmaking regarding complaints alleging employment discrimination on grounds of race, color, religion, sex, national origin, age, disability or reprisal brought by an employee of the Department of Veterans Affairs or an applicant for employment.

(i) Through August 31, 1998, the General Counsel, Deputy General Counsel, Assistant General Counsel of Professional Staff Group IV, Deputy Assistant General Counsel of Professional Staff Group IV, the Deputy Assistant Secretary for Resolution Management, Office of Resolution Management District Managers, and Office of Resolution Management Field Supervisory Managers are delegated authority to make procedural decisions (decisions to dismiss for untimeliness, for failure to state a claim, or for other procedural grounds). On and after September 1, 1998, the Deputy Assistant Secretary for Resolution Management, Office of Resolution Management District Managers, and Office of Resolution Management Field Supervisory Managers are delegated the sole authority to make procedural decisions.

(ii) Through February 18, 1998, the General Counsel, Deputy General Counsel, Assistant General Counsel of Professional Staff Group IV, and the Deputy Assistant General Counsel of Professional Staff Group IV are delegated authority to make substantive decisions (merit decisions). On and after February 19, 1998, the Director, Office

of Employment Discrimination Complaint Adjudication is delegated the sole authority to make substantive decisions.

(iii) Notwithstanding other provisions of this section, a complaint alleging that the Secretary or the Deputy Secretary personally made a decision directly related to the matters in dispute, or are otherwise personally involved in such matters, will be referred for procedural and substantive decisionmaking to the Department of Defense or the Department of Justice pursuant to a cost-reimbursable agreement. Referral will not be made when the action complained of relates merely to routine ministerial approval of selection recommendations submitted to the Secretary by the Under Secretary for Health, the Under Secretary for Benefits, the Director, National Cemetery Service, assistant secretaries, or staff offices heads.

(Authority: 38 U.S.C. 512; Pub. L. 105-114)

\* \* \* \* \*

[FR Doc. 98-5831 Filed 3-5-98; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

RIN 2900-AI77

### Compensation for Certain Undiagnosed Illnesses

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

**SUMMARY:** This document adopts as a final rule the provisions of an interim final rule which amended the Department of Veterans Affairs (VA) adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by Persian Gulf Veterans. This amendment is necessary to expand the period within which such disabilities must become manifest to a compensable degree in order for entitlement for compensation to be established. The intended effect of this amendment is to ensure that veterans with compensable disabilities due to undiagnosed illnesses that may be related to active service in the Southwest Asia theater of operations during the Persian Gulf War may qualify for benefits.

**DATES:** *Effective Date:* March 6, 1998.

*Applicability Date:* November 2, 1994.

**FOR FURTHER INFORMATION CONTACT:** John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810

Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7230.

**SUPPLEMENTARY INFORMATION:** In response to the needs and concerns of Persian Gulf veterans, Congress enacted the "Persian Gulf War Veterans' Benefits Act," Title I of the "Veterans' Benefits Improvements Act of 1994," Pub. L. 103-446. That statute added a new section 1117 to Title 38, United States Code, authorizing the Secretary of Veterans Affairs to compensate any Persian Gulf veteran suffering from chronic disability resulting from an undiagnosed illness or combination of undiagnosed illnesses that became manifest either during active duty in the Southwest Asia theater of operations during the Persian Gulf War or to a degree of ten percent or more within a presumptive period, as determined by the Secretary, following service in the Southwest Asia theater of operations during the Persian Gulf War. The statute specified that in establishing a presumptive period the Secretary should review any credible scientific or medical evidence, the historical treatment afforded other diseases for which service connection is presumed, and other pertinent circumstances regarding the experience of Persian Gulf veterans.

In the **Federal Register** of February 3, 1995, VA published a final rule adding a new § 3.317 to title 38, Code of Federal Regulations to establish the regulatory framework necessary for the Secretary to pay compensation under the authority granted by the Persian Gulf War Veterans' Benefits Act (See 60 FR 6660-6666). As part of that rulemaking, VA, having determined that there was little or no scientific or medical evidence at that time that would be useful in determining an appropriate presumptive period, established a two-year-post-Gulf-service presumptive period based on the historical treatment of disabilities for which manifestation periods had been established and pertinent circumstances regarding the experiences of Persian Gulf veterans as they were then known.

In the **Federal Register** of April 29, 1997, VA published an interim rule with a request for comments that revised the presumptive period for disabilities due to undiagnosed illnesses suffered by Persian Gulf veterans. As revised, the presumptive period encompasses any such disability that becomes manifest to a compensable degree through the year 2001 (See 62 FR 23138-23139). Interested persons were invited to submit written comments concerning the interim rule on or before