

**§ 7.3 [Amended]**

6. Section 7.3(b)(6) is amended by removing the words "Midwest Region," in the first sentence.

**§ 7.16 [Amended]**

7. Section 7.16(h)(5) is amended by removing the words "Region Four" in the first sentence, and;

8. Section 7.16(j)(4) is amended by removing the words "Western Region," in the second sentence.

**§ 7.22 [Amended]**

9. Section 7.22(c)(10) is amended by removing the words "Region Two" in the first sentence.

**§ 7.63 [Amended]**

10. Section 7.63(b)(10) is amended by removing the words "Region Two" in the first sentence.

**§ 7.96 [Amended]**

11. Section 7.96 is amended by changing the word "Region" in the section heading to "Area" and removing the word "parks", and;

12. Section 7.96(a) is amended by changing the word "Region" to "Area" in the first sentence, and;

13. Section 7.96(g)(1)(iii) is amended by changing the word "Region" to "Area" in the first sentence, and;

14. Section 7.96(g)(1)(viii) is amended by changing the word "Region" to "Area" in the first sentence, and;

15. Section 7.96(g)(1)(ix) is amended by changing the word "Region" to "Area" in the first sentence, and;

16. Section 7.96(g)(3) introductory text is amended by changing the word "Region" to "Area" in the first sentence, and;

17. Section 7.96(g)(5)(vi)(A) is amended by changing the word "Region" to "Area" in the first sentence, and;

18. Section 7.96(g)(5)(vi)(D) is amended by changing the word "Region" to "Area" and removing the word "areas" in the first sentence, and;

19. Section 7.96(g)(5)(xiv) is amended by changing the word "Region" to "Area" in the first sentence.

**PART 9—MINERALS MANAGEMENT**

20. The authority citation for part 9 continues to read as follows:

Authority: Mining Law of 1872 (R.S. 2319; 30 U.S.C. 21 *et seq.*); Act of August 25, 1916 (39 Stat. 535, as amended (16 U.S.C. 1 *et seq.*); Act of September 28, 1976; 90 Stat. 1342 (16 U.S.C. 1901 *et seq.*).

**§ 9.2 [Amended]**

21. Section 9.2(l) is amended by changing the word "region" to "area" in the first sentence, and;

**§ 9.31 [Amended]**

22. Section 9.31(j) is amended by changing the word "region" to "area" in the first sentence, and;

**§ 9.82 [Amended]**

23. Section 9.82(d) is amended by changing the word "Regional" to "Area" in the first sentence.

**PART 14—RIGHTS-OF-WAY**

24. The authority citation for part 14 continues to read as follows:

Authority: 16 U.S.C. 5, 79; 23 U.S.C. 317.

**§ 14.2 [Amended]**

25. Section 14.2 is amended by removing paragraph (c) and redesignating paragraphs (d) through (i) as paragraphs (c) through (h).

**PART 20—ISLE ROYALE NATIONAL PARK; COMMERCIAL FISHING**

26. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 1–3, 39 Stat. 535, as amended, sec. 3, 56 Stat. 133, secs 1, 2, 67 Stat. 495; 16 U.S.C. 1, 1b, 1c 2, 3, 408(k).

**§ 20.1 [Amended]**

27. Section 20.1(c) is amended by replacing the words "Region Two" with the words "of the area" and adding the words "where the unit is located" after "National Park Service", in the first sentence.

**PART 64—GRANTS AND ALLOCATIONS FOR RECREATION AND CONSERVATION USE OF ABANDONED RAILROAD RIGHTS-OF-WAY**

28. The authority citation for Part 64 continues to read as follows:

Authority: Sec. 809(B) (2) and (3), 90 Stat. 145, Pub. L. 94–210; Sec. 2 of Reorganization Plan No. 3 of 1950 (34 Stat. 1262).

**§ 64.7 [Amended]**

29. Section 64.7(c) is amended by removing the words "Bureau of Outdoor Recreation" in the first sentence.

Dated: September 12, 1995.

George T. Frampton, Jr.,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 95–27148 Filed 11–2–95; 8:45 am]

BILLING CODE 4310–70–P

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 3**

RIN 2900–AH10

**Determinations of Incompetency and Competency**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning determinations of mental incompetency to make clear that only rating boards are authorized to make determinations of incompetency for purposes of VA benefits and VA insurance.

**EFFECTIVE DATE:** This amendment is effective November 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Paul Trowbridge, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210.

**SUPPLEMENTARY INFORMATION:** On May 4, 1995, VA published in the Federal Register (60 FR 22016) a proposed rule intended to clarify that rating agencies have sole authority to make determinations of competency and incompetency for purposes of insurance and payment of VA benefits. Interested parties were invited to submit written comments on or before July 3, 1995. We received no comments.

Based on the rationale set forth in the proposed rule and this document, the provisions of the proposed rule are adopted as a final rule with nonsubstantive changes to paragraph (b)(1) of § 3.353. These changes clarify that VA determinations of competency or incompetency affect only VA benefits, i.e., insurance, discontinuance and payment of amounts withheld because of an estate in excess of \$1,500, and disbursement of benefits. This will ensure that this paragraph would not be interpreted to concern such things as the ability of the veteran to provide informed consent for medical treatment, or the ability of VA physicians and other VA medical professionals to determine a patient's mental capacity in support of guardianship and conservatorship petitions in state courts.

The Secretary 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 amendment will directly affect VA beneficiaries but

will not affect small businesses. Therefore, pursuant to 5 U.S.C. 606(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109 and 64.110.

#### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: October 26, 1995.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

### PART 3—ADJUDICATION

#### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. Section 3.353 is amended by revising paragraph (b) to read as follows:

#### § 3.353 Determinations of incompetency and competency.

\* \* \* \* \*

(b) *Authority.* (1) Rating agencies have sole authority to make official determinations of competency and incompetency for purposes of: insurance (38 U.S.C. 1922), the discontinuance and payment of amounts withheld because of an estate in excess of \$1,500 (§ 3.557(b)), and, subject to § 13.56 of this chapter, disbursement of benefits. Such determinations are final and binding on field stations for these purposes.

(2) Where the beneficiary is rated incompetent the Adjudication Officer will inform the Veterans Services Officer of jurisdiction of that fact. The Veterans Services Officer will develop information as to the beneficiary's social, economic and industrial adjustment and appoint (or recommend appointment of) a fiduciary as provided in § 13.55 of this chapter, select a method of disbursing payment as provided in § 13.56 of this chapter, or in the case of a married beneficiary, appoint the beneficiary's spouse to receive payments as provided in § 13.57 of this chapter. The Adjudication Officer will authorize disbursement of the benefit in the manner selected by the Veterans Services Officer.

(3) If in the course of fulfilling the responsibilities assigned in paragraph (b)(2) the Veterans Services Officer develops evidence indicating that the beneficiary may be capable of administering the funds payable without limitation, he or she will refer that evidence to the rating agency with a statement as to his or her findings. The rating agency will consider this evidence, together with all other evidence of record, to determine whether its prior determination of incompetency should remain in effect. Reexamination may be requested as provided in § 3.327(a) if necessary to properly evaluate the beneficiary's mental capacity to contract or manage his or her own affairs.

\* \* \* \* \*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[PA 66-1-7113; A-1-FRL-5323-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pertaining to the RACT Approval for Panther Creek Partners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** On September 8, 1995, EPA published approval of a State Implementation Plan (SIP) revision submitted by Pennsylvania (60 FR 46768). This revision would have approved requirements to establish reasonably available control technology (RACT) for Panther Creek Partners, located in Carbon County. The intended effect of the action was to approve nitrogen oxide (NO<sub>x</sub>) RACT for this major NO<sub>x</sub> source located in Pennsylvania. Because EPA received adverse comment, EPA is amending the September 8, 1995 final action, only as it pertains to Panther Creek Partners.

**EFFECTIVE DATE:** November 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Cynthia H. Stahl, (215) 597-9337.

**SUPPLEMENTARY INFORMATION:** EPA approved this direct final rule without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the Federal Register with a provision for a 30 day comment period (60 FR 46768). At the same time, EPA announced that this final rule would

convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (60 FR 46802). The final rulemaking action would be withdrawn by publishing a document announcing withdrawal of this action. In this action, EPA is not withdrawing the final rule; but amending the final rule as it pertains to Panther Creek.

Adverse comments pertaining to Panther Creek Partners were submitted to EPA within the prescribed comment period. Therefore, EPA is amending the September 8, 1995 final rulemaking action, only as it pertains to Panther Creek Partners. All other RACT approvals contained in the September 8, 1995 are approved as described in that document. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: October 23, 1995.

W. Michael McCabe,

*Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart NN—Pennsylvania

##### § 52.2020 [Amended]

2. In § 52.2020, paragraph (c)(102)(i)(B)(8) is removed and reserved.

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#### 40 CFR Parts 52 and 81

[MT32-1-7117a, ND6-2-7081a, UT21-1-6915a, WY7-1-7042a; FRL-5303-1]

#### Clean Air Act Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration; Designation of Areas for Air Quality Planning Purposes; Montana, North Dakota, South Dakota, Utah, and Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** In this document, EPA is approving revisions to the prevention of