Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on November 2, 2011, for publication.

List of Subjects in 38 CFR Part 3


Dated: November 10, 2011.
Robert C. McFetridge,
Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 38 CFR part 3 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. Revise § 3.810, paragraph (a) to read as follows:

§ 3.810 Clothing allowance.

(A) A veteran, because of a service-connected disability or disabilities, wears or uses one qualifying prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) which tends to wear or tear clothing; or

(B) A veteran uses medication prescribed by a physician for one skin condition, which is due to a service-connected disability, that causes irreparable damage to the veteran's outergarment.

(2) More than one clothing allowance; multiple types of garments affected. A veteran is entitled to an annual clothing allowance for each prosthetic or orthopedic appliance (including, but not limited to, a wheelchair) or medication used by the veteran if each appliance or medication—

(i) Satisfies the requirements of paragraph (a)(1) of this section; and

(ii) Affects more than one type of article of clothing or outergarment.

(3) Two clothing allowances; single type of garment affected. A veteran is entitled to two annual clothing allowances if a veteran uses more than one prosthetic or orthopedic appliance (including, but not limited to, a wheelchair), medication for more than one skin condition, or an appliance and a medication, and the appliance(s) or medication(s)—

(i) Each satisfy the requirements of paragraph (a)(1) of this section; and

(ii) Together tend to wear or tear a single type of article of clothing or irreparably damage a type of outergarment at an increased rate of damage to the clothing or outergarment due to a second appliance or medication.

* * * * *

[FR Doc. 2011–29579 Filed 11–15–11; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 59

RIN 2900–ANS7

Updating Fire Safety Standards

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; affirmation.

SUMMARY: This document affirms as final, without changes, a provision included in a final rule with request for comments that amended the Department of Veterans Affairs (VA) regulations concerning community residential care facilities, contract facilities for certain outpatient and residential services, and State home facilities. That provision established a five-year period within which all covered buildings with nursing home facilities existing as of June 25, 2001, must conform to the automatic sprinkler requirement of the 2009 edition of the National Fire Protection Association (NFPA) 101. This rule helps ensure the safety of veterans in the affected facilities.

DATES: Effective Date: This final rule is effective November 16, 2011.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy, Office of Patient Care Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 461–6759. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In a final rule with request for comments published in the Federal Register on February 24, 2011 (76 FR 10246), VA amended its regulations concerning the codes and standards applicable to community residential care facilities, contract facilities for outpatient and residential treatment services for veterans with alcohol or drug dependence or abuse disabilities, and State homes. We amended 38 CFR 17.63, 17.81(a)(1), 17.82(a)(1), and 59.130(d)(1) to require facilities to meet the requirements in the applicable provisions of current editions of publications produced by the NFPA. These publications are: NFPA 10, Standard for Portable Fire Extinguishers; NFPA 99, Standard for Health Care Facilities; NFPA 101, Life Safety Code; and NFPA 101A, Guide on Alternative Approaches to Life Safety.

We solicited comments regarding an interim final provision in the amendment to 38 CFR 59.130 that requires all buildings with nursing home facilities existing as of June 25, 2001, to have an automatic sprinkler system, as required in the 2009 edition of NFPA 101 by February 24, 2016. We provided a 60-day comment period on this interim final provision of the amendment to 38 CFR 59.130, and we received no comments. Accordingly, we adopt this provision without change. This and all other provisions of the final rule with request for comments remain in effect as stated in the Federal Register, February 24, 2011, rule.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any...
year. This final rule will have no such effect on State, local, and tribal
governments, or on the private sector.

Paperwork Reduction Act of 1995

This document contains no
collections of information under the
Paperwork Reduction Act of 1995 (44

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563
direct agencies to assess the costs and
benefits of available regulatory
alternatives and, when regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety
effects, and other advantages;
distributive impacts; and equity).

Executive Order 13563 (Improving
Regulation and Regulatory Review)
emphasizes the importance of
quantifying both costs and benefits,
reducing costs, harmonizing rules, and
promoting flexibility. Executive Order
12866 (Regulatory Planning and
Review) defines a “significant
regulatory action,” which requires
review by the Office of Management and
Budget, as “any regulatory action that is
likely to result in a rule that may: (1)
Have an annual effect on the economy
of $100 million or more or adversely
affect in a material way the economy, a
sector of the economy, productivity,
competition, jobs, the environment,
public health or safety, or State, local,
or tribal governments or communities;
(2) Create a serious inconsistency or
otherwise interfere with an action taken
or planned by another agency; (3)
Materially alter the budgetary impact of
entitlements, grants, user fees, or loan
programs or the rights and obligations of
recipients thereof; or (4) Raise novel
legal or policy issues arising out of legal
mandates, the President’s priorities, or
the principles set forth in this Executive
Order.”

The economic, interagency,
budgetary, legal, and policy
implications of this regulatory action
have been examined and it has been
determined not to be a significant
regulatory action under Executive Order
12866.

Regulatory Flexibility Act

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

The change to part 59 concerning
sprinkler systems will affect certain
State homes. The State homes that will
be subject to this rulemaking are State
government entities under the control of
State governments. All State homes are
owned, operated and managed by State
governments except for a small number
operated by entities under contract with
State governments. These contractors
are not small entities.

Accordingly, pursuant to 5 U.S.C.
605(b), this rule is exempt from the
initial and final regulatory flexibility
analysis requirements of sections 603
and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic
Assistance numbers and titles for the
programs affected by this document are
64.005, Grants to States for Construction
of State Home Facilities; 64.007, Blind
Rehabilitation Centers; 64.008, Veterans
Domiciliary Care; 64.009, Veterans
Medical Care Benefits; 64.010, Veterans
Nursing Home Care; 64.011, Veterans
Dental Care; 64.012, Veterans
Prescription Service; 64.013, Veterans
Prosthetic Appliances; 64.014, Veterans
State Domiciliary Care; 64.015, Veterans
State Nursing Home Care; 64.016,
Veterans State Hospital Care; 64.018,
Sharing Specialized Medical Resources;
64.019, Veterans Rehabilitation Alcohol
and Drug Dependence; 64.022, Veterans
Home Based Primary Care.

Signing Authority

The Secretary of Veterans Affairs, or
designee, approved this document and
authorized the undersigned to sign and
submit the document to the Office of the
Federal Register for publication
electronically as an official document of
the Federal Register, which requires
review by the Office of Management and
Budget. Under the Regulatory
Flexibility Act, the Secretary of Veterans
Affairs, or designee, may promulgate
regulations, subject to the conditions
set forth in Executive Orders 12866 and
13563. Accordingly, pursuant to 5 U.S.C.
605(b), this rule is exempt from the
initial and final regulatory flexibility
analysis requirements of sections 603
and 604.

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of
revisions to the San Joaquin Valley
Unified Air Pollution Control District
(SVUAPCD) portion of the California
State Implementation Plan (SIP). These
revisions were proposed in the Federal
Register on September 12, 2011, and
concern volatile organic compound
(VOC) emissions from steam enhanced
crude oil production and aerospace
coating operations. We are approving
local rules that regulate these emission
sources under the Clean Air Act as
amended in 1990 (CAA or the Act).

DATES: Effective Date: These rules are
effective on December 16, 2011.

ADDRESSES: EPA has established docket
number EPA–R09–OAR–2011–0701 for
this action. Generally, documents in the
docket for this action are available
electronically at http://www.regulations.gov
or in hard copy at EPA Region IX, 75
Hawthorne Street, San Francisco,
California. While all documents in the
docket are listed at http://www.regulations.gov,
some information may be publicly available
only at the hard copy location (e.g.,
copyrighted material, large maps,
multi-volume reports), and some may not
be available in either location (e.g.,
confidential business information
(CBI)). To inspect the hard copy
materials, please schedule an
appointment during normal business
hours with the contact listed in the FOR
FURTHER INFORMATION CONTACT
section.

FOR FURTHER INFORMATION CONTACT:
Adrienne Borgia, EPA Region IX,
(415) 972–3576, borgia.adrianne@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout
this document, “we,” “us” and “our” refer to EPA.

Table of Contents
I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On September 12, 2011 (76 FR 56134),
EPA proposed to approve the following
rules into the California SIP.