

**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 and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09–935 is added to read as follows:

**§ 165.T09–935 Safety Zone: Kewaunee Annual Trout Festival Fireworks Display, Kewaunee Harbor, Lake Michigan, Wisconsin.**

(a) *Location.* The safety zone will encompass all waters bounded by the arc of a circle with a 800-foot radius with its center in approximate position 44°27'30" N, 087°29'45" W located off of Kewaunee Festival Grounds, Kewaunee Harbor, Lake Michigan, Wisconsin.

(b) *Effective Time and Date.* This section is effective from 9:30 p.m. (local time) until 10:30 p.m. (local time) on July 13th, 2001.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Milwaukee, or his designated on scene representative. The designated on scene Patrol Commander may be contacted via VHF Channel 16.

Dated: June 8, 2001.

**M R. Devries,**

*Commander, U.S. Coast Guard, Captain of the Port Milwaukee.*

[FR Doc. 01–15998 Filed 6–25–01; 8:45 am]

**BILLING CODE 4910–15–U**

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 173**

[USCG 1999–6094]

RIN 2115–AF87

**Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule; partial suspension of rule with request for comments.

**SUMMARY:** On May 1, 2001, the Coast Guard published a final rule raising the threshold of damage to property for reports of accidents involving recreational vessels when damage to vessels and other property totals \$2,000 or more in any one accident. The rule also included a second provision requiring reports of collisions involving two or more vessels resulting exclusively in damage to property, regardless of the amount of such damage. After issuance of the rule, a State Boating Law Administrator expressed concern about the second provision. Because of this concern, we are suspending that provision and are inviting comments on the provision.

**DATES:** *Effective date:* July 2, 2001. Comments must reach the Facility specified in **ADDRESSES** on or before September 24, 2001.

**ADDRESSES:** Identify your comments and related material by the docket number for this rulemaking [USCG–1999–6094]. To make sure they do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand-delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Internet Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, at the address listed above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>. You may obtain a copy of this partial suspension of final rule by calling the U.S. Coast Guard Infoline at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at <http://www.uscgboating.org> or at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this proposed rule, contact Bruce Schmidt, Project Manager, Office of Boating Safety, U.S. Coast Guard, by telephone at 202–267–0955 or by e-mail at [bschmidt@comdt.uscg.mil](mailto:bschmidt@comdt.uscg.mil). For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

The regulatory history for this rulemaking appears in the preamble of the final rule entitled “Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels” [66 FR 21671 (May 1, 2001)].

**Reason for Partial Suspension of Effective Date**

After issuance of the final rule, a State Boating Law Administrator expressed concern about a provision in the rule requiring reports of all collisions involving two or more vessels resulting exclusively in damage to property, regardless of the amount of such damage.

Currently, few States have statutory authority to require reports of multi-vessel accidents that result neither in personal injury nor in any damage to property. Further, States’ legislative calendars preclude compliance by the published effective date, July 2, 2001. We note that States’ legislation would be unnecessary if the provision for reporting collisions of two or more vessels included a threshold of \$500, since all States do now maintain such a threshold. In response to the concern raised about the impacts on States’ legislation, the Coast Guard has decided to suspend the provision in 33 CFR 173.55(a)(3), requiring a report whenever “\* \* \* a collision occurs involving two or more vessels, regardless of the amount of damage to property; \* \* \*”, and to provide a 90-day comment period on the provision. To facilitate the editorial handling of this suspension, Coast Guard is designating this provision as paragraph (a)(3)(ii) of § 173.55. The first provision raising the threshold of damage to \$2000 is designated as paragraph (a)(3)(i) and remains effective July 2, 2001.

**Request for Comments**

We encourage you to participate in this rulemaking by submitting to the Facility specified in **ADDRESSES** comments and related material limited to the requirements of the provision in newly designated 33 CFR

173.55(a)(3)(ii). We will consider all comments received during the comment period and may change 33 CFR 173.55(a)(3) in response to the comments.

Dated: June 19, 2001.

**Kenneth T. Venuto,**

*Rear Admiral, U.S. Coast Guard, Acting Assistant Commandant for Operations.*

For the reasons set forth in the preamble, 33 CFR part 173 is amended as follows:

## **PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING**

1. The authority citation for part 173 continues to read as follows:

**Authority:** 31 U.S.C. 9701; 46 U.S.C. 2110, 6101, 12301, 12302; OMB Circular A-25; 49 CFR 1.46.

### **§ 173.55 [Amended]**

2. In § 173.55 in paragraph (a)(3), the text reading “Damage to vessels and other property totals \$2000 or more or there is a complete loss of any vessel; or” is designated as paragraph (a)(3)(i), and the remainder of the paragraph is designated as paragraph (a)(3)(ii) and suspended indefinitely.

[FR Doc. 01-15838 Filed 6-25-01; 8:45 am]

**BILLING CODE 4910-15-U**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Parts 17 and 59**

**RIN 2900-AJ43**

### **Grants to States for Construction and Acquisition of State Home Facilities**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Interim final rule.

**SUMMARY:** This document establishes regulations regarding grants to States for the construction or acquisition of State homes for furnishing domiciliary and nursing home care to veterans, or for the expansion, remodeling, or alteration of existing State homes for furnishing domiciliary, nursing home, or adult day health care to veterans. This is necessary to update the regulations and to implement statutory provisions, including provisions of the Veterans Millennium Health Care and Benefits Act.

**DATES:** *Effective Date:* June 26, 2001. Comments must be received by VA on or before August 27, 2001.

The incorporation by reference of certain publications in this rule is approved by the Director of the Office

of the Federal Register as of June 26, 2001.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273-9289; or e-mail comments to [OGCRegulations@mail.va.gov](mailto:OGCRegulations@mail.va.gov). Comments should indicate that they are submitted in response to “RIN 2900-AJ43.” All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

### **FOR FURTHER INFORMATION CONTACT:**

Frank Salvas, Chief, State Home Construction Grant Program (114), Veterans Health Administration, 202-273-8534.

**SUPPLEMENTARY INFORMATION:** This document establishes regulations regarding grants to States for the construction or acquisition of State homes for furnishing domiciliary and nursing home care to veterans, or for the expansion, remodeling, or alteration of existing State homes for furnishing domiciliary, nursing home, or adult day health care to veterans. The rule, which is set forth in a new 38 CFR part 59, consists of a comprehensive rewrite of the regulations set forth in 38 CFR 17.210 through 17.222. The substantive differences from the previous regulations are discussed below.

Public Law 102-585 changed from 90 days to 180 days the time limit for States receiving a conditionally-approved grant to fully comply with the requirements for a grant. The rule reflects this statutory provision.

Under authority of Public Law 104-262 (enacted on October 9, 1996), the rule includes provisions for awarding grants to States to expand, remodel, or alter existing buildings for furnishing adult day health care.

The rule also includes provisions to implement statutory provisions established by the Veterans Millennium Health Care and Benefits Act (Public Law 106-117, enacted on November 30, 1999). This Act made the following changes that are reflected in the rule:

- The Act requires VA to prescribe for each State the number of nursing home and domiciliary beds for which grants may be furnished. This is required to be based on the projected demand for nursing home and domiciliary care on November 30, 2009 (10 years after the date of enactment of the Veterans Millennium Health Care and Benefits Act (Pub. L. 106-117)), by veterans who

at such time are 65 years of age or older and who reside in that State. In determining the projected demand, VA must take into account travel distances for veterans and their families.

- The Act sets forth new criteria for determining the order of priority for grants for projects, including provisions regarding whether the need for a bed-producing project is great, significant, or limited.

- The Act provides that VA may not accord any priority to projects for the construction or acquisition of a hospital.

- The Act provides that a State may not request a grant for a project for which the total cost of construction is not in excess of \$400,000.

- The Act provides that a grant may not include maintenance and repair work.

- The Act requires an application for a grant for construction or acquisition of a nursing home or a domiciliary facility to include the following in the application for a grant:

- (1) Documentation that the site of the project is in reasonable proximity to a sufficient concentration and population of veterans that are 65 years of age and older and that there is a reasonable basis to conclude that the facility when complete will be fully occupied,

- (2) A financial plan for the first three years of operation of such facility, and

- (3) A five-year capital plan for the State home program for that State.

The rule also includes provisions to reflect that, under Public Law 106-419, VA will not recapture amounts for all or portions of a facility that was changed to an outpatient clinic established and operated by VA.

As noted above, the Veterans Millennium Health Care and Benefits Act sets forth new criteria for determining the order of priority for grants for projects. We have also created new subpriorities for each priority category that reflect the statutory priority scheme. In addition, further subpriorities in “priority group 1—subpriority 1” are established to give higher priorities to the most urgently needed projects. Further subpriorities in “priority group 1—subpriority 4” are established to give higher priority to projects that we have determined are most needed for care of veterans. As a last resort for ties in subpriorities, the rule will give projects priority based on the earliest dates of receipt by VA of applications.

For a State’s application to be included in priority group 1, a State must have made sufficient funds available for the project for which the grant is requested so that such project may proceed upon approval of the grant