

VA published an interim final rule in the **Federal Register** (67 FR 58528) to establish priorities for outpatient medical services and inpatient hospital care. In doing so, VA failed to consider the previous, January 31, 2002, amendment redesignating old § 17.49 as new § 17.48 and adding a new § 17.49. As a result, VA mistakenly instructed the CFR editor to revise § 17.49 instead of § 17.48. Consequently, the revision to § 17.49 erroneously removed the CWT rule and replaced it with the revised priority rule. In the CFR, the old priority rule (entitled "Priorities for inpatient care") is in § 17.48; the new priority rule (entitled "Priorities for outpatient medical services and inpatient hospital care") is in § 17.49; and the CWT rule was removed. To correct the inadvertent removal of the CWT rule, this final rule technical amendment revises 38 CFR 17.48 to reinstate the CWT rule originally published as a final rule in the **Federal Register** on January 31, 2002, at § 17.49.

#### List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: May 18, 2005.

**Robert C. McFetridge,**

*Director, Regulations Management.*

■ For the reasons set out above, 38 CFR part 17 is corrected as follows:

#### PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1721, unless otherwise noted.

■ 2. Section 17.48 is revised to read as follows:

#### § 17.48 Compensated Work Therapy/ Transitional Residences program.

(a) This section sets forth requirements for persons residing in housing under the Compensated Work Therapy/Transitional Residences program.

(b) House managers shall be responsible for coordinating and supervising the day-to-day operations of the facilities. The local VA program

coordinator shall select each house manager and may give preference to an individual who is a current or past resident of the facility or the program. A house manager must have the following qualifications:

(1) A stable, responsible and caring demeanor;

(2) Leadership qualities including the ability to motivate;

(3) Effective communication skills including the ability to interact;

(4) A willingness to accept feedback;

(5) A willingness to follow a chain of command.

(c) Each resident admitted to the Transitional Residence, except for a house manager, must also be in the Compensated Work Therapy program.

(d) Each resident, except for a house manager, must bi-weekly, in advance, pay a fee to VA for living in the housing. The local VA program coordinator will establish the fee for each resident in accordance with the provisions of paragraph (d)(1) of this section.

(1) The total amount of actual operating expenses of the residence (utilities, maintenance, furnishings, appliances, service equipment, all other operating costs) for the previous fiscal year plus 15 percent of that amount equals the total operating budget for the current fiscal year. The total operating budget is to be divided by the average number of beds occupied during the previous fiscal year and the resulting amount is the average yearly amount per bed. The bi-weekly fee shall equal 1/26th of the average yearly amount per bed, except that a resident shall not, on average, pay more than 30 percent of their gross CWT (Compensated Work Therapy) bi-weekly earnings. The VA program manager shall, bi-annually, conduct a review of the factors in this paragraph for determining resident payments. If he or she determines that the payments are too high or too low by more than 5 percent of the total operating budget, he or she shall recalculate resident payments under the criteria set forth in this paragraph, except that the calculations shall be based on the current fiscal year (actual amounts for the elapsed portion and projected amounts for the remainder).

(2) If the revenues of a residence do not meet the expenses of the residence resulting in an inability to pay actual operating expenses, the medical center of jurisdiction shall provide the funds necessary to return the residence to fiscal solvency in accordance with the provisions of this section.

(e) The length of stay in housing under the Compensated Work Therapy/ Transitional Residences program is based on the individual needs of each

resident, as determined by consensus of the resident and his/her VA Clinical Treatment team. However, the length of stay should not exceed 12 months.

**Authority:** 38 U.S.C. 1772.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 35

[FRL-7916-6]

#### Notice of Availability of Class Deviation; Alternative State Allotment formula For FY 2005 Clean Water Act Section 106 Increase

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This document provides notice of the availability of a Class Deviation from EPA's allotment formula for the awarding of Clean Water Act (CWA) Section 106 grants and also sets forth an alternative formula that will apply for the \$9.92 million FY 2005 increase in EPA's appropriation for these grants. Currently, monies awarded under Section 106 of the Clean Water Act are allocated through allotment formulae for States, interstate agencies, and tribes. These formulae implement Section 106(b) of the CWA, which directs the EPA Administrator to make allotments for grants from sums appropriated by Congress in each fiscal year "in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective states." Because the President's FY 2005 budget request specifically requested an increase in Section 106 funding for FY 2005 enhanced monitoring activities, EPA determined through a Class Deviation that if it applied the current State allotment formula to that increase only a small number of States would actually receive an increase while the majority of States would not receive a sufficient increase to strengthen their water quality monitoring activities. The Class Deviation and the new allotment formula apply only to the \$9.92 million FY 2005 Section 106 increase and not to the remainder of the monies appropriated by Congress for these grants, which will be allocated in accordance with the allocation formulae EPA currently uses.

**DATES:** These procedures are effective upon May 24, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Lena Ferris, Office of Wastewater Management, Office of Water, 1200 Pennsylvania Avenue, NW., Mail Code 4201M, Washington, DC 20460. The telephone number is (202) 564-8831; facsimile number (202) 5501-2399; and e-mail address is [ferris.lena@epa.gov](mailto:ferris.lena@epa.gov). Copies of the Class Deviation and the allocation are available by contacting Lena Ferris as indicated above.

**SUPPLEMENTARY INFORMATION:** This action announces EPA's Class Deviation from EPA's allotment formula for the awarding of CWA Section 106 grants found at 40 CFR part 35, subpart A, § 35.162(b) and sets forth an alternative allotment formula for the FY 2005 increase in EPA's appropriation for these grants. The alternative allotment formula is designed to direct the increase in these funds toward new state monitoring activities, which is the basis for the President's FY 2005 budget request increase for these grants. This revised formula, which is set forth below and is consistent with Section 106(b) of the CWA, will ensure that States are provided a meaningful increase that is sufficient to begin strengthening their water quality monitoring activities.

**Regulated Entities**

States that are eligible to receive grants under Section 106 of the Clean Water Act.

**Background**

Section 106 of the CWA requires that funds appropriated under this section be allocated to States, tribes, and interstate agencies, "on the basis of the extent of the pollution problem in the respective States," in accordance with promulgated regulations. EPA developed and promulgated the current Section 106 State and Interstate Allocation Formula based on six components selected by EPA and the States to serve as surrogate representatives for the extent of the pollution problem in the States. The Tribal formula is also consistent with this approach. Approximately \$9.1 million of the increase will be allocated with each State receiving approximately \$172,000, while each territory and the District of Columbia will receive an allocation of approximately \$86,000. Of the increase, EPA will allot to both Interstate Agencies and Tribes in accordance with existing formulae.

**Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to OMB review.

Because this grant action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments. This action does not have tribal implications, as specified in Executive Order 13175 (63 FR 67249, November 9, 2000). This action will not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Since this final grant action contains legally binding requirements, it is subject to the Congressional Review Act, and EPA will submit this action in its report to Congress under the Act.

**List of Subjects in 40 CFR Part 35**

Environmental protection, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control.

Dated: May 13, 2005.

**Benjamin H. Grumbles,**

*Assistant Administrator, Office of Water.*

EPA establishes the following State allocation formula for the \$9.92 million increase in CWA Section 106 funding as follows:

*Section 106 State Program (Deviation Requested From State Allocation Formula).* The majority of the \$9.92 million increase will be directed to support the State and territorial water quality programs. Approximately \$9.1 million will be allocated with each State receiving a full-share allocation of \$172,447, while each territory and the

District of Columbia will receive a half-share allocation of approximately \$86,223. Combining the increase with the States' base funding, the total section 106 State allocation will increase to approximately \$179.5 million.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 282**

[FRL-7909-5]

**Underground Storage Tank Program: Approved State Program for Minnesota**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes EPA to grant approval to States to operate their underground storage tank programs in lieu of the Federal program. Title 40 of the Code of Federal Regulations (40 CFR) part 282 codifies EPA's decision to approve State programs and incorporates by reference those provisions of the State statutes and regulations that will be subject to EPA's inspection and enforcement authorities in accordance with sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions. This rule codifies in 40 CFR part 282 the prior approval of the State of Minnesota's underground storage tank program and incorporates by reference appropriate provisions of State statutes and regulations.

**DATES:** This regulation is effective July 25, 2005, unless EPA publishes a prior **Federal Register** notice withdrawing this immediate final rule. All comments on the codification of Minnesota's underground storage tank program must be received by the close of business June 23, 2005. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of July 25, 2005, in accordance with 5 U.S.C. 552(a).

**ADDRESSES:** Send written comments to Andrew Tschampa, U.S. EPA Region 5, Mailcode DU-7J, 77 West Jackson Blvd., Chicago, IL 60604. Comments may also be submitted electronically through the Internet to: [tschampa.andrew@epa.gov](mailto:tschampa.andrew@epa.gov) or by facsimile at (312) 353-3159. You can examine copies of the codification materials during normal business hours