

Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Assistance

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this final rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and

have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

■ 2. Section 117.209(b) is revised to read as follows:

#### § 117.209 Mianus River

\* \* \* \* \*

(b) The draw shall open on signal from April 1 through October 31, from 9 p.m. to 5 a.m., after at least a four-hour advance notice is given and from November 1 through March 30, from 9 p.m. to 5 a.m., after at least a twenty-four-hour advance notice is given by calling the number posted at the bridge.

Dated: December 7, 2005.

**David P. Pekoske,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[CGD01-05-110]

#### Drawbridge Operation Regulations: Connecticut River, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation

regulations for the Amtrak Old Saybrook-Old Lyme Bridge (Old Saybrook-Old Lyme Bridge), mile 3.4, across the Connecticut River, Connecticut. This deviation from the regulations allows the bridge to operate on a fixed schedule for bridge openings and two three-day closures from January 3, 2006 through February 1, 2006. This deviation is necessary in order to facilitate necessary scheduled bridge maintenance.

**DATES:** This deviation is effective from January 3, 2006 through February 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Old Saybrook-Old Lyme Bridge, at mile 3.4, across the Connecticut River has a vertical clearance in the closed position of 19 feet at mean high water and 22 feet at mean low water. The existing drawbridge operating regulations are listed at 33 CFR 117.205(b).

The owner of the bridge, National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the drawbridge operating regulations to facilitate scheduled electrical and mechanical bridge repairs. In order to prosecute the above repairs the bridge must open on a fixed bridge opening schedule.

This deviation to the operating regulations allows the Old Saybrook-Old Lyme Bridge to operate from January 3, 2006 through February 1, 2006, as follows:

From Monday through Friday, the bridge shall open on signal at 8:15 a.m., 12:15 p.m., and 2:15 p.m., daily. From 4 p.m. through 8 a.m. the bridge shall open on signal after a four-hour advance notice is given by calling the number posted at the bridge.

On Saturday and Sunday, the bridge shall open on signal at 8 a.m., 10 a.m., 1 p.m., and 4 p.m., daily. From 4 p.m. through 8 a.m. the bridge shall open on signal after a four-hour advance notice is given by calling the number posted at the bridge.

The bridge shall open on signal for commercial vessels at any time after a four-hour advance notice is given by calling the number posted at the bridge.

In addition the bridge may remain closed for two three-day closures from January 20, 2006 through January 22, 2006 and from January 27, 2006 through January 29, 2006.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating

regulations is authorized under 33 CFR 117.35.

Dated: December 15, 2005.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 9

**RIN 2900-AM36**

#### Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Interim final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is issuing this interim final rule to implement section 1032 of the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005," (Public Law 109-13). Section 1032 of Public Law 109-13 establishes an automatic traumatic injury protection rider provision to Servicemembers' Group Life Insurance (SGLI), effective December 1, 2005, providing automatic insurance for any SGLI insured who sustains a serious traumatic injury as prescribed by the Secretary of Veterans Affairs in collaboration with the Secretary of Defense that results in certain losses prescribed by the Secretary of Veterans Affairs in collaboration with the Secretary of Defense. This rule specifies the losses for which the traumatic injury benefit (TSGLI) will be paid and the amount of the TSGLI benefit payable for each loss.

Section 1032(c)(1) of Public Law 109-13 also provides for the payment of TSGLI benefits to service members who experienced a traumatic injury between October 7, 2001, and the effective date of section 1032 of Public Law 109-13, *i.e.*, December 1, 2005, if the loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

**DATES:** *Effective Date:* This interim final rule is effective December 20, 2005. Comments must be received on or before January 23, 2006.

*Applicability Date:* VA will apply this rule to injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom on or after October 7, 2001, through and including November 30, 2005, and to all injuries incurred on or after December 1, 2005.

**ADDRESSES:** Mail or hand deliver written comments to: Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or fax comments to (202) 273-9026; or e-mail comments through <http://www.Regulations.gov>. Comments should indicate that they are submitted in response to "RIN 2900-AM36." All comments received will be available for public inspection in the Office of Regulations Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273-9515 for an appointment.

**FOR FURTHER INFORMATION CONTACT:**

Gregory Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, Pennsylvania 19101, (215) 842-2000 ext. 4280.

**SUPPLEMENTARY INFORMATION:** TSGLI was designed to provide severely injured service members who suffer a loss as a direct result of a serious traumatic injury, such as a loss of an arm or leg, with monetary assistance to help the member and the member's family through an often long and arduous treatment and rehabilitation period. In many instances, the family of a member who suffers a traumatic loss in the service of his or her country must physically relocate in order to be with the member during this period in order to provide the member with emotional support. Relocating an entire family is not only disruptive but can and does result in economic hardship to the member and the member's family brought on by new and/or additional living expenses, and in some cases the loss of a job. TSGLI helps to lessen that economic burden by providing immediate financial relief.

Traumatic injury protection under SGLI (TSGLI) is modeled after commercial Accidental Death and Dismemberment (AD&D) insurance coverage, specifically, the "dismemberment" portion of the coverage, although as we explain below, it deviates in some respects from the commercial AD&D model to account for the unique needs of military personnel. We have relied on commercial AD&D policies as a basis for the TSGLI program for the following reasons. According to 38 U.S.C. 1980A(a), TSGLI is a "rider" to the existing SGLI group policy, which the Secretary of Veterans Affairs purchased from a commercial life insurance company, Prudential Insurance Company of America, on behalf of service members. 38 U.S.C.

1966. SGLI premiums after the first policy year are readjusted by the insurance company issuing the policy "on a basis determined by the Secretary [of Veterans Affairs] in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers." AD&D policies are often a rider to group life insurance policies offered by commercial life insurance companies. In addition, VA is obligated to manage the TSGLI program "on the basis of sound actuarial principles," 38 U.S.C. 1980A(e)(4) and (5), and these AD&D models have proven to be actuarially sound. Therefore, these rules implementing the TSGLI program are based on commercial AD&D policies, which have a successful track record, because TSGLI is a rider to a group life insurance policy purchased from a commercial life insurance company and because AD&D policies are frequently provided as a rider to a commercial life insurance policy.

We are setting forth the rules for the TSGLI program in a new regulation at 38 CFR 9.20. These rules were drafted in collaboration with the Department of Defense (DoD) as required by statute. We have added definitions relevant to the TSGLI program at 38 CFR 9.1(k)-(q). The term "activities of daily living" is defined in 38 U.S.C. 1965(11), as added by section 1032(a)(1) of Public Law 109-13, and we have restated the definition in 38 CFR 9.1(k) because it is a technical term that may not be readily understood by the general public. We have added to the statutory definition of "transferring" in 38 CFR 9.1(k)(6) the phrase "in or out of bed or chair with or without equipment," in order to better explain the meaning of the term. We have defined pyogenic infection in 38 CFR 9.1(l) to mean "a pus-producing infection." The definitions of contaminated substance and chemical, biological and radiological weapons in 38 CFR 9.1(m) through (p) are based on various sources, including the National Center for Biotechnical Information, the National Library of Medicine, the National Institutes of Health, the DoD Dictionary of Military Terms, and commercial insurance industry sources. We have reworded the definitions for purposes of consistency and clarity.

We have defined "attending medical professional" in 38 CFR 9.1(q) to mean a licensed physician, optometrist, nurse practitioner, registered nurse, or physician assistant.

We have defined the term "traumatic event" in 38 CFR 9.20(b)(1) to mean "the application of external force, violence, chemical, biological, or