

(b) Sections 101(d)(3) and 113, chapter 47,<sup>1</sup> and chapter 80 of title 10, United States Code.

(c) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," May 24, 2017, as amended (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649502p.pdf>).

(d) 32 CFR part 158, "Operational Contract Support."

(e) DoD Manual 6400.01, Volume 2, "Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System," August 11, 2016 (available at [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/640001m\\_vol2.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/640001m_vol2.pdf)).

(f) Public Law 114–92, "National Defense Authorization Act for Fiscal Year 2016," November 25, 2015.

(g) DoD Directive 7050.06, "Military Whistleblower Protection," April 17, 2015 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/705006p.pdf>).

(h) U.S. Department of Justice, Office on Violence Against Women, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," current version (available at <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>).

(i) 32 CFR part 310, "DoD Privacy Program."

(j) DoD Manual 6025.18, "Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DOD Health Care Programs," March 13, 2019 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/602518m.pdf?ver=2019-03-13-123513-717>).

(k) Public Law 113–66, "The National Defense Authorization Act for Fiscal Year 2014," December 2013.

(l) Title 5, United States Code.

(m) Public Law 104–191, "Health Insurance Portability and Accountability Act of 1996," August 21, 1996.

(n) DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," March 22, 2017, as amended (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/550518p.pdf?ver=2018-02-13-125046-630>).

(o) Sections 584, 585, and 586 of Public Law 112–81, "National Defense Authorization Act for Fiscal Year 2012," December 31, 2011.

(p) Public Law 113–291, "Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015," December 29, 2014.

(q) DoD Manual 8910.01, Volume 1, "DoD Information Collections Manual: Procedures for DoD Internal Information Collections," June 30, 2014, as amended (available at [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/891001m\\_vol1.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/891001m_vol1.pdf)).

(r) Public Law 110–417, "The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009," October 14, 2008.

(s) DoD Instruction 5545.02, "DoD Policy for Congressional Authorization and Appropriations Reporting Requirements," December 19, 2008 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/554502p.pdf>).

(t) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/512402p.pdf>).

(u) Public Law 112–81, "National Defense Authorization Act for Fiscal Year 2012," December 31, 2011.

(v) Department of Defense 2014–2016 Sexual Assault Prevention Strategy," April 30, 2014, <https://www.sapr.mil/index.php/prevention>.

(w) DoD Instruction 6495.03, "Defense Sexual Assault Advocate Certification Program (D–SAACP)," September 10, 2015 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649503p.pdf>).

(x) Section 577 of Public Law 108–375, "Ronald Reagan National Defense Authorization Act for Fiscal Year 2005," October 28, 2004.

(y) U.S. Department of Defense, "Manual for Courts-Martial, United States," current edition (available at <https://jsc.defense.gov/Portals/99/Documents/MCM2016.pdf?ver=2016-12-08-181411-957>).

(z) Title 10, United States Code.

(aa) DoD Instruction 1030.2, "Victim and Witness Assistance Procedures," June 4, 2004 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/103002p.pdf>).

(bb) DoD Instruction 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)," February 3, 2015, as amended (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/550519p.pdf>).

(cc) Directive-type Memorandum 14–003, "DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support," February 12, 2014, as amended (available at [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM14003\\_2014.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM14003_2014.pdf)).

(dd) Title 32, United States Code.

(ee) Sections 561, 562, and 563 of Public Law 110–417, "Duncan Hunter National Defense Authorization Act for Fiscal Year 2009," October 14, 2008.

(ff) U.S. Department of Justice, Office on Violence Against Women, "National Training Standards for Sexual Assault Medical Forensic Examiners," current version (available at <https://www.ncjrs.gov/pdffiles/ovw/241903>).

(gg) DoD Instruction 6025.13, "Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS)," February 17, 2011, as amended (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/602513p.pdf>).

(hh) Office of the Chairman of the Joint Chiefs of Staff, "DoD Dictionary of Military

and Associated Terms," current edition (available at <https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/dictionary.pdf>).

(ii) DoD 4165.66–M, "Base Redevelopment and Realignment Manual," March 1, 2006 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/416566m.pdf>).

(jj) Public Law 111–84, National Defense Authorization Act for Fiscal Year 2010.

(kk) 10 U.S.C. Chapter 47, Uniform Code of Military Justice.

Dated: June 18, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–13513 Filed 7–14–20; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

#### Update To Access Standards Drive Time Calculations

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Guidance.

**SUMMARY:** This Department of Veterans Affairs (VA) document provides additional information regarding VA's calculation of average drive times for purposes of eligibility determinations for covered veterans to access community care through the Veterans Community Care Program.

**DATES:** Effective August 14, 2020.

**FOR FURTHER INFORMATION CONTACT:** Joseph Duran, Office of Community Care (10D), Veterans Health Administration (VHA), Department of Veterans Affairs, Ptarmigan at Cherry Creek, Denver, CO 80209; [Joseph.Duran2@va.gov](mailto:Joseph.Duran2@va.gov); 303–370–1637 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On June 5, 2019, VA published a final rule at 84 FR 26278 to promulgate 38 CFR 17.4000–17.4040 to implement the Veterans Community Care Program established by section 101 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (MISSION Act), Public Law 115–182.

Section 17.4040 established access standards for purposes of making eligibility determinations under the Veterans Community Care Program under § 17.4010(a)(4). For primary care, mental health care, and non-institutional extended care services, eligibility is established if VA cannot schedule an appointment for the covered veteran with a VA health care

<sup>1</sup> Chapter 47 is also known and referred to in this part as "The Uniform Code of Military Justice (UCMJ)."

provider for the required care or service: (i) Within 30 minutes average driving time of the veteran's residence; and (ii) Within 20 days of the date of request unless a later date has been agreed to by the veteran in consultation with the VA health care provider. For specialty care, eligibility is established if VA cannot schedule an appointment for the covered veteran with a VA health care provider for the required care or service: (i) Within 60 minutes average driving time of the veteran's residence; and (ii) Within 28 days of the date of request unless a later date has been agreed to by the veteran in consultation with the VA health care provider. VA noted in § 17.4040(b) that to calculate average driving time from the veteran's residence in paragraph (a) of the section, VA would use geographic information system software.

In the preamble to the final rule, VA explained that it was not detailing in regulation a specific methodology for calculating average drive time because it was more veteran-centric to maintain operational flexibility to refine and improve VA's average drive-time calculations in response to experience, feedback and changing real-world conditions. See 84 FR 26278, 26299. This final rule further stated that as VA gained more experience with administering the Veterans Community Care Program and received feedback from veterans regarding their experience with the program, VA anticipated refining the tool to calculate average drive times as well as VA systems to improve our consideration of actual conditions that affect travel to receive care and services and to provide more information to veterans regarding calculation of average drive times. See 84 FR 26278, 26301. This notice serves to inform the public that VA is will change the geographic information system software used to the calculate average drive times under § 17.4040.

*Description of Changes in Calculating Average Drive Times:* As described in the final rule establishing the Veterans Community Care Program (84 FR 26278), VA uses a variety of factors, including distance, route options, and speed limits to calculate the average drive time between the veteran's residence (as noted in VA's enrollment system) and VA facilities that offer the type of care needed by the Veteran. The calculation is similar to the calculations used in popular commercial mapping software used for point-to-point driving directions and estimated travel times. The calculated average is used to determine whether the veteran is eligible for community care based on drive time. The final rule also stated

that, in response to comments that requested clarification on how VA will calculate average drive times, that some detailed information regarding average drive time calculations and algorithms is proprietary, and VA was unable to disclose the full method used to make the calculations. See 84 FR 26278, 26300.

VA recognized the concerns voiced by veterans and members of the public at the time we launched the Veterans Community Care Program regarding how we calculate average drive time and whether we are making the best estimates of average drive times. This notice about planned refinements is the result of VA's efforts to continue improving how we calculate this important component of eligibility.

VA is refining the average drive-time calculations in the online Decision Support Tool (DST) to improve eligibility determination results and response times based on feedback received from veterans and VA staff regarding their experiences with the Veterans Community Care Program since its implementation on June 6, 2019.

Effective August 14, 2020, VA will use a new geographic information system within DST. Under the new system, VA will determine drive times between two addresses by developing "service areas" around all VA facilities, which are bands surrounding the facility that reflect drive times in ranges of 10-minute increments, starting with 0–10 minutes, going up to 81–90 minutes. The applicable drive-time standards depend on the type of care being requested (*i.e.*, the veteran can get needed care within 30 minutes' average drive time for primary care, mental health care and extended care services under § 17.4040(a)(1)(i) or within 60 minutes for specialty care services under § 17.4040(a)(2)(i)). Users of the system will get an estimate of the drive time between the veteran's residence and the VA facility in a 10-minute range under the bands, instead of a single-time estimate as in the current system. Covered veterans whose residence address is within a drive-time service area range that exceeds the drive-time standards for the type of care being sought would be determined to be eligible under § 17.4010(a)(4).

The new system will use historical traffic patterns in all searches. The system will calculate average drive times based on historical traffic patterns on Wednesdays at 10 a.m. at the veteran's local time for all searches. We have selected this time and day of the week to reasonably approximate times that veterans would be traveling for

appointments, while working within the capabilities of the system and the available data. Historical traffic data will be updated two to three times per year to reflect changes in local travel patterns.

Veterans will benefit from this change in two ways. First, VA believes the new system will better reflect the actual conditions that affect the time it takes for veterans to travel to receive care and services because of the way that historical traffic data will be used and how average travel times will be calculated. Second, we can now offer more information to veterans and the public regarding how VA will calculate average drive times under this new system. While VA is primarily making this change to improve eligibility determination results and response times, it will also impact eligibility under the access standards for some veterans. VA believes the result will be an overall increase in eligibility.

We note that the average drive time is only one element of covered veterans' eligibility for community care. Since VA established the Veterans Community Care Program on June 6, 2019, covered veterans have also been eligible for community care under other criteria (see 38 CFR 17.4010, Veteran Eligibility). For example, covered veterans who would not be considered eligible for community care based solely on the average drive time element of the designated access standard criterion may still be eligible for community care if the veteran and his or her VA provider agree that it is in the best medical interest of the veteran to receive community care. We remain committed to ensuring that covered veterans are referred to community care where it is in their best medical interest, and veterans with concerns about whether they should be referred to the community are always welcome to discuss their options with their VA providers.

Although we are changing the method of calculating average drive times in our DST tool, which may affect some individuals' eligibility, this notice is not changing VA's designated drive time access standard under § 17.4040. The average drive times that establish eligibility under the designated access standards criterion will remain the same after VA updates the average drive-time calculation tool.

VA continues to believe it is more veteran-centric to maintain the operational flexibility to refine and improve VA's calculations in response to experience, feedback and changing real-world conditions, rather than to detail in regulation a specific

methodology or considerations that could constrain VA’s ability to improve the calculation of average drive times in the future. For that reason, we will continue to update the public through documents in the **Federal Register** about any changes to how we calculate average drive times for the Veterans Community Care Program.

**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. Brooks D. Tucker, Acting Chief of Staff, Department of Veterans Affairs, approved this document on June 23, 2020 for publication.

**Jeffrey M. Martin,**

*Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

[FR Doc. 2020–14341 Filed 7–14–20; 8:45 am]

**BILLING CODE 8320–01–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R09–OAR–2019–0633; FRL–10011–25–Region 9]

**Air Plan Approval; Arizona; Maricopa County Air Quality Department and Pima County Department of Environmental Quality**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Maricopa County Air Quality Department (MCAQD) and Pima County Department of Environmental Quality (PCDEQ) portions of the Arizona State Implementation Plan (SIP). These revisions concern emissions of particulate matter (PM) from nonmetallic mineral processing, inactive mineral tailings and slag storage. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

**DATES:** These rules will be effective on August 14, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2019–0633. All

documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4125 or by email at [vineyard.christine@epa.gov](mailto:vineyard.christine@epa.gov).

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

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- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Proposed Action**

On May 1, 2020 (85 FR 25379), the EPA proposed to approve the following rules into the Arizona SIP.

| Local agency | Rule No.                               | Rule title  | Adopted/<br>revised   | Submitted             |
|--------------|--|---|-----------------------|-----------------------|
| MCAQD .....  | 316 .....                              | Nonmetallic Mineral Processing .....  | 11/07/18              | 11/19/18              |
| PDEQ .....   | Pima County Code Section<br>17.16.125. | Inactive Mineral Tailings Impoundment and Slag Storage<br>Area within the Ajo PM Planning Area. | <sup>1</sup> 01/22/19 | <sup>2</sup> 05/10/19 |

<sup>1</sup> Pima County Board of Supervisors adopted PCC Section 17.16.125 on January 22, 2019, with an effective date of February 21, 2019.

<sup>2</sup> ADEQ submitted PCC Section 17.16.125 as part of a larger SIP revision submittal titled “SIP Revision: Ajo PM<sub>10</sub> Redesignation Request and Maintenance Plan (May 3, 2019)” (herein referred to as the “Ajo PM<sub>10</sub> SIP”). More specifically, appendix C of the Ajo PM<sub>10</sub> SIP includes PCC Section 17.16.125 and the related adoption materials. ADEQ submitted the Ajo PM<sub>10</sub> SIP electronically on May 10, 2019, under cover of a transmittal letter dated May 8, 2019. Herein, EPA is taking final action on the PCC Section 17.16.125 portion of the Ajo PM<sub>10</sub> SIP. The EPA is taking action on the rest of the Ajo PM<sub>10</sub> Plan in a separate action (85 FR 34381 (June 4, 2020)).

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. More specifically, with respect to MCAQD Rule 316, we previously determined that the rule implemented Best Available Control Measures for nonmetallic mineral processing within the Phoenix planning area, and we find that the 2018 amendments to the rule relax no control requirements and generally clarify and enhance the effectiveness of the rule. With respect to Pima County Code (PCC) Section 17.16.125, we find that the rule provides a means to ensure the permanence and enforceability of the fugitive dust controls that have already

been implemented in the Ajo PM<sub>10</sub> planning area and that have brought the area into attainment of the Particulate Matter equal to or less than 10 microns in diameter (PM<sub>10</sub>) National Ambient Air Quality Standards (NAAQS). Our proposed action and related technical support documents (TSDs) contain more information on the rules and our evaluation.

**II. Public Comments and EPA Responses**

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

**III. EPA Action**

Pursuant to section 110(k)(3) of the CAA, and for the reasons discussed in detail in our proposed rule and TSDs, and summarized above, the EPA is fully approving MCAQD Rule 316, as submitted on November 19, 2018, and PCC Section 17.16.125, as submitted on May 10, 2019, as revisions to the Arizona SIP.

**IV. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the