

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 17**

RIN 2900–AO47

**Authorization for Non-VA Medical Services; Withdrawal****AGENCY:** Department of Veterans Affairs.**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) published a direct final rule in the *Federal Register* on November 28, 2012, that would have amended its regulations regarding payment by VA for medical services under VA's statutory authority to provide non-VA medical care. VA sought to remove an outdated regulatory limitation on veterans' eligibility to be referred for non-VA medical care. On the same date, VA also published a companion proposed rule containing the same amendments as the direct final rule. Because VA received adverse comments on this action, we are withdrawing the direct final rule. In a companion document in the *Federal Register*, VA is publishing a final rule that addresses comments received on the proposed and direct final rules.

**DATES:** The direct final rule published on November 28, 2013 (77 FR 70893), is withdrawn as of December 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Lisa Brown, Chief, Policy Management Department, Department of Veterans Affairs, Chief Business Office, Purchased Care, 3773 Cherry Creek North Drive, Suite 450, Denver, CO 80209 at (303) 331-7829. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** In a direct final rule published in the *Federal Register* on November 28, 2012, 77 FR 70893, VA would have amended its regulations authorizing non-VA medical care effective January 28, 2013. Under the non-VA medical care authority in 38 U.S.C. 1703, VA may provide certain hospital care (inpatient care) and medical services (outpatient care) for eligible veterans when VA facilities are not capable of providing necessary treatment due to geographical inaccessibility or are not capable of providing the services needed. The direct final rule would have revised VA's existing regulation, at 38 CFR 17.52(a)(2)(ii), to remove a limitation that barred VA from authorizing non-VA medical services for certain veterans who had not previously been furnished VA hospital care. Without this revision, these veterans were eligible for non-VA medical services under § 17.52(a)(2)(ii)

to complete treatment of a nonservice-connected disability only if they had received VA hospital care for that disability.

VA published a companion proposed rule on the same date, at 77 FR 70967, proposing the same amendments as the direct final rule. The direct final rule and proposed rule each provided a 30-day comment period that ended on December 28, 2012. VA received comments on the proposed rule and direct final rule, including some adverse comments. VA is therefore withdrawing the direct final rule, "Authorization for Non-VA Medical Services," RIN 2900–AO47, which did not become effective on January 28, 2013 because VA received adverse comments on the proposed rule and direct final rule during the 30-day comment period. VA is publishing a final rulemaking, "Authorization for Non-VA Medical Services," RIN 2900–AO46, in this issue of the *Federal Register* that addresses comments received on both the direct final rule and the proposed rule. These actions are consistent with the procedures stated in the direct final rule and the proposed rule.

**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. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on November 6, 2013 for publication.

Dated: December 4, 2013.

**Robert C. McFetridge,**

*Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

**[EPA–R05–OAR–2010–0566; FRL–9904–11–Region 5]**

**Approval and Promulgation of Air Quality Implementation Plans; Michigan**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving revisions to the State of Michigan's Clean Air Act

New Source Review (NSR) State Implementation Plan (SIP), including the Part 1 general provisions rules and the Part 19 rules for major sources in nonattainment areas. The Michigan Department of Environmental Quality (MDEQ) submitted the revisions to address, among other things, the Federal NSR reform rules. EPA is also removing Michigan rule 336.1220 from the Michigan SIP. This rule is being replaced by applicable language found in Michigan's Part 19 NSR rules. MDEQ submitted these revisions to EPA on March 24, 2009.

**DATES:** This final rule is effective on January 15, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2010–0566. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, i.e., 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Constantine Blathras, Environmental Engineer, at (312) 886–0671 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Constantine Blathras, Environmental Engineer, Air Permit Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0671, [Blathras.constantine@epa.gov](mailto:Blathras.constantine@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What action is EPA taking?
- II. Statutory and Executive Order Reviews

**I. What action is EPA taking?**

On February 6, 2013, EPA proposed approval of MDEQ's March 24, 2009 request to revise the Part 19 rules in its SIP (78 FR 8485) and announced a thirty day public comment period. EPA received comments generally supporting