(3) To request permission to enter the safety zone, contact the COTP or the COTP’s representative on VHF–FM channel 16. All persons and vessels in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(d) Enforcement period: This section will be enforced on September 3, 2017, September 10, 2017, and September 13, 2017 from 7:45 p.m. to 10:30 p.m. each day.


Scott E. Anderson,
Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2017–18617 Filed 8–31–17; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 62
RIN 2900–AP61
Supportive Services for Veteran Families Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations that govern the Supportive Services for Veteran Families (SSVF) Program. This rulemaking clarifies VA’s procedures for continuing to fund SSVF Program services in communities that have lost grants due to the non-renewal or termination of services of an existing award to a grantee. VA can now award the non-renewed or deobligated funds to other existing SSVF grantees in or near the affected community. This award of non-renewed or deobligated funds prevents potential access issues associated with grant termination. This rulemaking also reduces the number of satisfaction surveys grantees are required to provide to participants in order to reduce the burden on grantees and participants.

DATES: This final rule is effective October 2, 2017.

FOR FURTHER INFORMATION CONTACT: John Kuhn, National Center for Homelessness Among Veterans, Supportive Services for Veteran Families Program Office, 4100 Chester Avenue, Suite 200, Philadelphia, PA 19104, (877) 737–0111. (This is a toll-free number) John.Kuhn2@va.gov.

SUPPLEMENTARY INFORMATION: In a document published in the Federal Register on July 27, 2016, VA proposed to revise its regulations that addressed the Supportive Services for Veteran Families (SSVF) Program. 81 FR 49198. VA provided a 60-day comment period, which ended on September 26, 2016. We received 14 comments on the proposed rule. Section 2044 of title 38 U.S.C. requires the Secretary to provide financial assistance to eligible entities to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing. The Secretary’s implementing regulations are in 38 CFR part 62, which established the SSVF Program. Through the SSVF Program, VA awards supportive services grants to private nonprofit organizations or consumer cooperatives to provide or coordinate the provision of supportive services to very low-income veteran families who are residing in permanent housing and at risk of becoming homeless. The grants provide services to low-income families who are lacking a fixed, regular, and adequate nighttime residence, are at risk of remaining so but for grantees assistance, and scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing. The grants also provide services to low-income families who, after exiting permanent housing, are seeking other housing that is responsive to their needs and preferences. This rulemaking clarifies existing VA policy regarding award of non-renewed or deobligated funds to other existing SSVF grantees in or near the affected community where the funds were originally used in order to maintain continuity in the services offered to these communities. This rulemaking also reduces the number of satisfaction surveys grantees are required to provide to participants in order to reduce the burden on grantees and participants.

We received several comments in support of the proposed rule. One commenter stated that the proposed rule was “needed from multiple perspectives, most importantly, in maintaining all momentum toward ending Veteran homelessness.” A commenter stated that “non-renewed and deobligated funds are critical to our community as we are seeing a strong inflow of newly homeless in our area.” Another commenter stated that the proposed rule would eliminate the “hoops to jump through and the grant will still be awarded to those who qualify.” A commenter agreed that reducing the number of surveys would yield a higher response rate. Lastly, a commenter stated that the proposed changes “are reasonable and would make an effective program more so.” We thank the commenters for supporting the rule.

One commenter recommended that VA revise the proposed rule to “take into account the impact of unexpected need, such as occurs in natural disasters where Federal Disaster Area designation is affirmed.” The commenter further recommended that VA distribute SSVF grant assistance to grantees serving in Federal disaster areas to assist veterans in need or who are displaced from their homes or become homeless “due to a natural disaster, regardless of whether the Veteran family meets the income eligibility requirements of SSVF.” Additionally, VA should focus the availability of SSVF funds to those veterans who were impacted by a natural disaster and do not have sufficient resources to relocate to “new housing because of trauma, an inability to access records, and/or an inability to access personal resources.” As previously stated in this rulemaking 38 U.S.C. 2044 is the authority that establishes the SSVF program. Under this program, VA may only provide assistance to very-low-income veteran families. Section 2044(f)(6) defines “very-low-income veteran family” to mean “a veteran family whose income does not exceed 50 percent of the median income for an area” as determined by VA. Because the SSVF funds are limited, VA cannot use these funds to assist veteran families that do not otherwise meet the eligibility criteria under section 2044. Also, the loss of SSVF funds would adversely affect the veterans being served in the community whose deobligated funds were lost due to the funds being transferred to a different community that was affected by a natural disaster. We are not making any edits based on this comment.

Several commenters suggested that VA reconsider the requirement that 60% of funding support rapid re-housing of homeless veterans and 40% may be used for prevention of homelessness in rural communities and instead allow an even 50/50 split of funding because the needs for homeless veteran families in rural communities differ from those in urban settings. The commenters further stated that there is a housing shortage and it is difficult to use all of the SSVF funds, “particularly when Veterans who are in danger of literal homelessness present to our program and we are unable to assist them due to the 60/40 mandate. If that mandate was to be lifted, and we could focus a larger pool of resources on prevention, three of our clients would cycle back through as RRH.” Under section 2044(a)(4), SSVF
has an obligation to give preference to 
“entities providing or coordinating the 
provision of supportive services for very 
low-income veteran families who are 
transitioning from homelessness to 
permanent housing.” The 60/40 
requirement in the current Notice of 
Fund Availability (NOFA) means that a 
minimum of 60% of SSVF funds can be 
used for supporting rapid re-housing of 
homless veterans and a maximum of 
40% of SSVF funds can be used for 
prevention. Where the local needs of 
homless veterans have been met, the 
NOFA has a process in place so 
communities can ask for a waiver of the 
60/40 split of temporary financial 
assistance. (See December 7, 2016 
NOFA, section V.B.3(a); “Waivers to 
this 60 percent requirement may be 
requested when grantees can 
demonstrate significant local progress 
towards eliminating homelessness in 
the target service area. Waiver requests 
must include data from authoritative 
sources such as USICH certification that 
a community has ended homelessness 
as defined by Federal Benchmarks and 
Criteria or have reached Community 
Solution’s Functional Zero. Waivers for 
the 60 percent requirement may also be 
requested for services provided to rural 
Indian tribal areas and other rural areas 
where shelter capacity is insufficient to 
meet local need. Waiver requests must 
include an endorsement by the 
impacted CoC explicitly stating that a 
shift in resources from rapid rehousing 
to prevention will not result in an 
increase in homelessness.”). The waiver 
would allow for an increased spending 
on prevention. However, any 
amendment to this requirement is 
beyond the scope of the proposed rule. 
We are not making any edits based on 
this comment.

A commenter suggested that VA allow 
SSVF grantees to use funds to assist 
veterans who have been rated by VA as 
100% service-connected disabled, are 
homless, and over the income limit for 
the SSVF, because these veterans would 
benefit from the “intensive case 
management services to navigate 
through their housing issues.” SSVF 
funds may only be used to assist veteran 
families that meet the eligibility criteria 
in 38 U.S.C. 2044. By law, VA cannot 
use SSVF funds to assist veterans that 
are over the income limits of 38 U.S.C. 
2044(i). However, homeless veterans 
who do not qualify for the SSVF 
program may receive assistance under 
the VA homeless providers grant and 
per diem program, part 61 of 38 CFR. 
This comment is beyond the scope of 
the proposed rule and we are not 
with the program upon completion of 
the program. We are not making any 
edit based on this comment.

One commenter stated that proposed 
38 CFR 62.36 should be further 
amended to state that “there should be 
a mail in option for Veterans who do not 
have access to email or internet.” Another 
commenter stated that older 
veterans did not want to create an email 
account for submitting the satisfaction 
surveys. VA is aware that not all 
veterans are able to submit the survey 
electronically and is also aware of the 
limitation of electronic submissions for 
the survey. For this reason, we have 
decided to add a phone-based survey option 
for fiscal year 2017. We are not making any 
edits based on this comment. 

A commenter stated that limiting the 
SSVF grant to “a 10% base admin rate 
is creating large deficits to the 
non-profits and sub-grantees who implement 
the program.” The commenter suggested 
that VA allow the use of “a non-profit’s 
allowable federal rate (typically around 
15%) as a standard for both the grantee 
and sub-grantees.” The commenter also 
noted that the SSVF grant has been 
abandoned the SSVF grant due to losses 
the non-profits bear in administering the 
SSVF program. The limitations on costs 
for the administration of the SSVF 
program are stated in 38 CFR 62.10 and 
62.70, which we did not propose to 
change to the limitations on 
administrative costs is beyond the scope of 
the proposed rule. We are not making any 
edits based on this comment. 

A commenter said that limiting a 
veteran household to a single option of 
moving or storage expenses is 
counterintuitive because stored items 
will need to be moved from the storage 
facility to the new domicile once the 
domicile becomes available. The 
commenter asks “that these two costs be 
allowed as separate eligible expenses for 
each veteran household (as needed).” 
Veterans may receive both types of 
assistance under the current 
regulation. Section 62.34 addresses other 
supportive services, which includes 
moving costs under paragraph (d). 
Paragraph (d)(2) states that moving costs 
assistance includes “reasonable moving 
costs, such as truck rental, hiring a 
moving company, or short-term storage 
fees for a maximum of 3 months or until 
the participant is in permanent housing, 
whichever is shorter.” The storage 
of household items and the transportation 
of these items to the new domicile are 
two separate services that are included 
as part of the moving costs. Also, we 
did not propose to amend section 62.34 in 
the proposed rule and so any changes to 
this section are beyond the scope of the
proposed rule. We make no edits based on this comment.

A commenter said that the SSSF no longer covers the payment of property debt, which includes arrears and damages. However, that is incorrect: 38 CFR 62.34(a)(1) states, “rental assistance may be for rental payments that are currently due or in arrears, and for the payment of penalties or fees incurred by a participant and required to be paid by the participant under an existing lease or court order.” Also, we did not propose to amend section 62.34 in the proposed rule and so any edits to this section are beyond the scope of the proposed rule. We are not making any edits based on this comment.

A commenter supported the rule, but stated that “if this assessment and reallocation of funding occurs in real time (i.e., quarterly benchmarks during the grant year) this creates a new burden on the grantee by not giving the necessary flexibility to spend appropriately based on each veteran household’s needs or the seasonal enrollment spikes that occur throughout the grant year.” VA has the capacity to sweep funds on a quarterly basis as stated in the grant agreement between VA and the grantee. Prior to any sweep, VA would review the funds with the grantee to assess the needs of the community. We are not making any edits based on this comment.

We are making a technical edit to 38 CFR 62.25. Proposed paragraph (d)(1) stated in part that “Such applicant or grantee must have the capacity and agree to provide immediate services to the affected community.” We are amending this sentence by deleting the term “immediate” and replacing it with “prompt” to make this term consistent with language used in existing program materials. We are making a similar edit to 38 CFR 62.80(d)(2)(i). We are also clarifying in § 62.25(d)(1) and § 62.80(d)(2)(i) that the grantee in the last sentence of each paragraph is the grantee who is offered the additional funds. The sentence as it was written in the proposed rule left some ambiguity as to who we were referencing. We are not making any edits to the meaning of the language in the proposed rule.

Based on the rationale set forth in the Supplementary Information to the proposed rule and in this final rule, VA is adopting the proposed rule with the edits discussed in the previous paragraph.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA’s implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This action contains provisions constituting collections of information, at 38 CFR 62.36, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The information collection requirements for § 62.36 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0757. However, this regulatory action includes a provision reducing the number of surveys used for this collection from 2 to 1. VA estimates the number of responses for the information collection will decrease from 5,625 to 2,813. VA is in the process of recertifying this collection number under a separate action.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule does not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This final rule only impacts those entities that choose to participate in the SSVF Program. Small entity applicants will not be affected to a greater extent than large entity applicants. Small entities must elect to participate, and it is considered a benefit to those who choose to apply. To the extent this final rule has any impact on small entities, it will not have an impact on a substantial number of small entities. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of section 603 and 604.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a “significant regulatory action,” requiring review by OMB, unless OMB waives such review, as “any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.”

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA’s impact analysis can be found as a supporting document at http://www.regulations.gov, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA’s Web site at http://www.va.gov/orpm/, by following the link for “VA Regulations Published From FY 2004 Through Fiscal Year to Date.”

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.009, Veterans Medical Care Benefits, and 64.033, VA Supportive Services for Veteran Families 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. Gina S. Farriese, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on August 28, 2017, for publication.

List of Subjects in 38 CFR Part 62

Administrative practice and procedure, Day care, Disability benefits, Government contracts, Grant programs—health, Grant programs—housing and community development, Grant programs—veterans, Heath care, Homeless, Housing, Indian—lands, Individuals with disabilities, Low and moderate income housing, Manpower training program, Medicare, Medicaid, Public assistance programs, Public housing, Relocation assistance, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Social security, Supplemental Security Income (SSI), Travel and transportation expenses, Unemployment compensation.


Janet Coleman,
Chief, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs is amending 38 CFR part 62 as follows:

PART 62—SUPPORTIVE SERVICES FOR VETERAN FAMILIES PROGRAM

1. The authority citation for part 62 continues to read as follows:

Authority: 38 U.S.C. 501, 2041, and as noted in specific sections.

2. Amend §62.25 by adding paragraph (d) to read as follows:

§62.25 Selecting grantees for renewal of supportive services grants.

(d) At its discretion, VA may award any non-renewed funds to an applicant or existing grantee. If VA chooses to award non-renewed funds to an applicant or existing grantee, funds will be awarded as follows:

1. VA will first offer to award the non-renewed funds to the applicant or grantee with the highest grant score under the relevant Notice of Fund Availability that applies for, or is awarded a renewal grant in, the same community as, or proximate community to, the affected community. Such applicant or grantee must have the capacity and agree to provide prompt services to the affected community. Under this §62.25, the relevant Notice of Fund Availability is the most recently published Notice of Fund Availability which covers the geographic area that includes the affected community, or for multi-year grant awards, the Notice of Fund Availability for which the grantee, who is offered the additional funds, received the multi-year award.

2. If the first such applicant or grantee offered the deobligated funds refuses the funds, VA will offer to award the funds to the next highest-ranked such applicant or grantee, per the criteria in paragraph (d)(1) of this section, and continue on in rank order until all deobligated funds are awarded.

3. Amend §62.36 by revising paragraph (c)(2) to read as follows:

§62.36 General operation requirements.

(c) * * *

(2) The grantee must provide each participant with a satisfaction survey, which the participant can submit directly to VA, within 30 days of such participant’s pending exit from the grantee’s program.

4. Amend §62.80 by revising paragraph (d)(2) to read as follows:

§62.80 Withholding, suspension, deobligation, termination, and recovery of funds by VA.

(d) * * *

(2) At its discretion, VA may re-advertise in a Notice of Fund Availability the availability of funds that have been deobligated under this section or award deobligated funds to an applicant or existing grantee. If VA chooses to award deobligated funds to an applicant or existing grantee, funds will be awarded as follows:

1. VA will first offer to award the deobligated funds to the applicant or grantee with the highest grant score under the relevant Notice of Fund Availability that applied for or was awarded funds in the same community as, or proximate community to, the affected community. Such applicant or grantee must have the capacity and agree to provide prompt services to the affected community. Under this section the relevant Notice of Fund Availability is the most recently published Notice of Fund Availability which covers the geographic area that includes the affected community, or for multi-year grant awards, the most recently published Notice of Fund Availability which covers the geographic area that includes the affected community for which the grantee, who is offered the additional funds, received the multi-year award.

2. If the first such applicant or grantee offered the deobligated funds refuses the funds, VA will offer to award funds to the next highest-ranked such applicant or grantee, per the criteria in paragraph (d)(2)(i) of this section, and continue on in rank order until all deobligated funds are awarded.

[FR Doc. 2017–18574 Filed 8–31–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the July 3, 2017, direct final rule approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. The revision consists of a reasonably available control technology (RACT) approval for a volatile organic compound (VOC) emission source in Rhode Island, specifically, US Watercraft, LLC. This action is being taken in accordance with the Clean Air Act.

DATES: The direct final rule published on July 3, 2017 (82 FR 30747), is withdrawn effective September 1, 2017.

FOR FURTHER INFORMATION CONTACT: David L. Mackintosh, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail Code OEP05–2), Boston, MA 02109–3912, tel. 617–918–1584, email mackintosh.david@epa.gov.

SUPPLEMENTARY INFORMATION: In the direct final rule, EPA stated that if adverse comments were submitted by August 2, 2017, the rule would be withdrawn and not take effect. EPA received an adverse comment prior to the close of the comment period and, therefore, is withdrawing the direct final rule. EPA will address the comment in