

Harvey Point danger zone and will remove the restricted area upon notification by the Navy that its surveys and any required cleanup have been completed.

Economic Assessment and Certification

This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply. These final rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps has determined that the economic impact of the changes to the restricted area will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, no significant economic impact on small entities.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Transportation, Waterways.

For the reasons set out in the preamble, 33 CFR Part 334 is amended as set forth below.

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3)

2. Section 334.410 is amended by revising paragraph (d)(4) as follows:

§ 334.410 Albemarle Sound, Pamlico Sound, and adjacent waters, NC; danger zones for naval aircraft operations.

* * * * *

(d) *The regulations.* * * *

(4) *Enforcing agency.* The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet, and such agencies as he/she shall designate.

3. Section 334.412 is added to read as follows:

§ 334.412 Albemarle Sound, Pamlico Sound, Harvey Point and adjacent waters, NC; restricted area.

(a) *The area.* Beginning on the north shore of Albemarle Sound and the easternmost tip of Harvey Point; thence southeasterly to Day Beacon number 3; thence southeasterly to latitude 36°03'06", longitude 76°16'43"; thence southwesterly to latitude 36°02'18",

longitude 76°19'30"; thence southwesterly to latitude 36°04'18", longitude 76°20'20"; thence 23°15' True to the shore; and thence northeasterly along the shore to the point of beginning.

(b) *The regulations.* The restricted area described in this section is the inactive Harvey Point target range which was disestablished as a danger zone. The area will be open to public access for recreational and commercial uses, except that dredging, clamming, crabbing, seining, and anchoring of all vessels and any other activity which could result in disturbing or penetrating the bottom is prohibited.

(c) *Enforcing agency.* The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet, and such agencies as he/she shall designate.

Dated: February 14, 1996.

Stanley G. Genega,

Major General, USA, Director of Civil Works.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 0, 1, 2, 3, 13, 14, 17, and 36

RIN 2900-AH81

Delegation of Authority to Regional Counsels

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Office of General Counsel has changed its field structure from 52 District Counsel offices to 23 Regional Counsel offices. Previously, each District Counsel office was headed by a District Counsel who was authorized to take various actions on behalf of the Department of Veterans Affairs (VA). The new Regional Counsel offices are each headed by a Regional Counsel. In accordance with the provisions of 38 U.S.C. 512, this document delegates to the Regional Counsels the same authority and responsibility to act for VA as was previously granted to District Counsels. This document also sets forth the jurisdiction and address of each Regional Counsel.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Howard Lem, Assistant General Counsel (026), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 565-4885.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 553, there is a basis for

dispensing with prior notice and comment and for dispensing with a 30-day delay of the effective date since this final rule constitutes a rule of agency organization, a non-substantive rule.

The Secretary certifies that this final rule will 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 amendment, which constitutes a rule of agency organization, is a non-substantive rule. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects

38 CFR Part 0

Conflict of interests.

38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government employees, Government property, Infants and children, Inventions and patents, Investigations, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

38 CFR Part 2

Authority delegations (Government agencies).

38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

38 CFR Parts 13 and 14

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

38 CFR Part 17

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

38 CFR Part 36

Condominiums, Housing, Indians, Individuals with disabilities, Loan program-housing and community development, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Approved: February 14, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR parts 0, 1, 2, 3, 13, 14, 17, and 36 are amended as set forth below:

1. The authority citation for parts 0, 1, 2, 3, 13, 14, 17, and 36 continue to read as follows:

Authority: 38 U.S.C. 512.

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

2. Remove the words "District Counsel" and add in their place "Regional Counsel" wherever they appear.

PART 1—GENERAL PROVISIONS

3. Remove the words "District Counsel" and add in their place "Regional Counsel" wherever they appear.

4. Remove the words "District Counsels" and add in their place "Regional Counsels" wherever they appear.

PART 2—DELEGATIONS OF AUTHORITY

5. Remove the words "District Counsel" and add in their place "Regional Counsel" wherever they appear.

6. Remove the words "District Counsels" and add in their place "Regional Counsels" wherever they appear.

PART 3—PENSIONS, BONUSES, AND VETERANS' RELIEF

7. Remove the words "District Counsel" and add in their place "Regional Counsel" wherever they appear.

PART 13—VETERANS BENEFITS ADMINISTRATION, FIDUCIARY ACTIVITIES

8. Remove the words "District Counsel" and add in their place "Regional Counsel" wherever they appear.

PART 14—LEGAL SERVICES, GENERAL COUNSEL

9. Remove the words "District Counsel" or "District Council" and add in their place "Regional Counsel" wherever they appear.

10. Remove the words "District Counsels" and add in their place "Regional Counsels" wherever they appear.

11. In § 14.501, add a new paragraph (f) to read as follows:

§ 14.501 Functions and responsibilities of Regional Counsels.

* * * * *

(f) The jurisdictions and addresses of Regional Counsels are as follows:

(1) *Region 1: (JURISDICTION)* Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island; (ADDRESS) JFK Federal Bldg., Room E213, Boston, MA 02203.

(2) *Region 2: (JURISDICTION)* New Jersey, Metropolitan New York City; (ADDRESS) 800 Poly Place, Building 14, Brooklyn, NY 11209.

(3) *Region 3: (JURISDICTION)* District of Columbia; Fairfax, Virginia; Arlington, Virginia; Alexandria, Virginia; Martinsburg, West Virginia; and Maryland; (ADDRESS) 849 International Drive, Suite 200, Linthicum, MD 21090.

(4) *Region 4: (JURISDICTION)* Pennsylvania, Delaware; (ADDRESS) 1000 Liberty Ave., Pittsburgh, PA 15222.

(5) *Region 5: (JURISDICTION)* Georgia, South Carolina; (ADDRESS) 730 Peachtree Street, N.E., Atlanta, GA 30365.

(6) *Region 6: (JURISDICTION)* Florida, Puerto Rico; (ADDRESS) P.O. Box 5002, Building 22, Room 333, Bay Pines, FL 33504.

(7) *Region 7: (JURISDICTION)* Ohio, West Virginia (excluding Martinsburg, West Virginia); (ADDRESS) 1240 East Ninth Street, Room 1225, Cleveland, OH 44199.

(8) *Region 8: (JURISDICTION)* Arkansas, Tennessee; (ADDRESS) Federal Courthouse Annex, 110 9th Ave., S., Nashville, TN 37203.

(9) *Region 9: (JURISDICTION)* Alabama, Mississippi; (ADDRESS) 1500 E. Woodrow Wilson Dr., Jackson, MS 39216.

(10) *Region 10: (JURISDICTION)* Illinois, Iowa; (ADDRESS) VA Medical Center, Bldg. 50, P. O. Box 127, Hines, IL 60141.

(11) *Region 11: (JURISDICTION)* Michigan, Wisconsin; (ADDRESS)

Patrick V. McNamara Federal Bldg., Suite 1460, 477 Michigan Ave., Detroit, MI 48226.

(12) *Region 12: (JURISDICTION)* Kansas, Missouri, Nebraska; (ADDRESS) 1 Jefferson Barracks Drive, St. Louis, MO 63125-4185.

(13) *Region 13: (JURISDICTION)* Oklahoma, Northern Texas; (ADDRESS) 1400 N. Valley Mills Dr., Waco, TX 76799.

(14) *Region 14: (JURISDICTION)* Louisiana, Southern Texas; (ADDRESS) 6900 Alameda Road, Houston, TX 77030.

(15) *Region 15: (JURISDICTION)* Minnesota, North Dakota, South Dakota; (ADDRESS) VA Medical Center, One Veterans Drive, Bldg. 73, Minneapolis, MN 55417.

(16) *Region 16: (JURISDICTION)* Colorado, Wyoming, Utah, Montana; (ADDRESS) Box 25126, 155 Van Gordon Street, Denver, CO 80225.

(17) *Region 17: (JURISDICTION)* Lower California; (ADDRESS) 11000 Wilshire Blvd., Los Angeles, CA 90024.

(18) *Region 18: (JURISDICTION)* Upper California, Hawaii, Central and Northern Nevada, and Philippine Islands; (ADDRESS) VA Medical Center, 4150 Clement Street, Bldg. 210, San Francisco, CA 94121.

(19) *Region 19: (JURISDICTION)* Arizona, Southern Nevada, and New Mexico; (ADDRESS) 3225 N. Central Ave., Rm. 305, Phoenix, AZ 85012.

(20) *Region 20: (JURISDICTION)* Idaho, Oregon, Washington, Alaska; (ADDRESS) 1220 SW Third Ave., Portland, OR 97204.

(21) *Region 21: (JURISDICTION)* New York (except Metropolitan New York City), Vermont; (ADDRESS) 120 LeBrun, Buffalo, NY 14215.

(22) *Region 22: (JURISDICTION)* Indiana, Kentucky; (ADDRESS) 575 N. Pennsylvania Street, Room 309, Indianapolis, IN 46204.

(23) *Region 23: (JURISDICTION)* North Carolina, Virginia (excluding Fairfax, Arlington, and Alexandria); (ADDRESS) 251 N. Main Street, Winston-Salem, NC 27155.

12. In § 14.518, paragraph (a), remove the word "district" and add in its place "region".

PART 17—MEDICAL CHARGES, WAIVERS, AND COLLECTIONS

13. Remove the words "District Counsel" and add in their place

“Regional Counsel” wherever they appear.

PART 36—LOAN GUARANTY

14. Remove the words “District Counsel” and add in their place “Regional Counsel” wherever they appear.

[FR Doc. 96-4304 Filed 2-26-96; 8:45 am]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AG23

Veterans Education: Implementation of the Veterans' Benefits Act of 1992 and the Department of Defense Authorization Act for Fiscal Year 1993 in the Post-Vietnam Era Veterans' Educational Assistance Program

AGENCIES: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). It makes changes concerning measurement of training time, duplication of benefits, advance payment for work study, and permission for some service members who participated in the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) to instead elect to receive benefits under the Montgomery GI Bill—Active Duty. These changes restate statutory requirements.

EFFECTIVE DATES: The effective dates of the changes made by this final rule are as follows:

October 23, 1992: § 21.5058.

October 29, 1992: §§ 21.5023, 21.5145, 21.5231, and 21.5250.

July 1, 1993: § 21.5270.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION:

Regulations concerning VA-administered educational assistance and educational benefits are contained in 38 CFR Part 21. The Veterans' Benefits Act of 1992 (Pub. L. 102-568) amends educational assistance provisions under VEAP and amends other provisions that affect work-study under that program. The National Defense Authorization Act

for Fiscal Year 1993 (Pub. L. 102-484) allows some VEAP participants to receive benefits under the Montgomery GI Bill—Active Duty. This document contains a number of changes to the regulations which merely reflect certain changes made by these public laws. These changes to the regulations are as follows.

Under Public Law 102-568, the limit on the amount of money that VA can pay in advance on a work-study contract has been changed. Formerly, that limit was 40 percent of the total amount payable under the contract. Now the limit is the lesser of 40 percent of the total amount payable under the contract or 50 times the applicable minimum hourly wage in effect on the date the contract is signed. Changes are made to 38 CFR 21.5145 to reflect these statutory provisions.

Public Law 102-484, among other things, provides that a veteran who has been discharged under the Voluntary Separation Incentive or Special Separation Benefit programs before October 23, 1992, was eligible on or before October 23, 1993 to elect to receive educational assistance under the Montgomery GI Bill—Active Duty in lieu of any other educational assistance, including VEAP. Changes are made to § 21.5058 to reflect these statutory changes.

Previously, § 21.5023 allowed for veterans receiving assistance under the Government Employees' Training Act (GETA) also to receive assistance under VEAP if the VEAP training occurred other than during duty hours. However, under Pub. L. 102-568 payment under VEAP is now prohibited for veterans receiving assistance under GETA regardless of whether the veteran is a full-time or part-time employee. Changes are made to § 21.5023 to reflect this statutory change.

Several provisions of Public Law 102-568 apply to VEAP. These are prohibition of receipt of educational assistance while the veterans is training under the Service Members Occupational Conversion and Training Act; a change in the ending date of the award of educational assistance when the veterans die during the period covered by an advanced payment of educational assistance; prohibition of approval of a nonaccredited course offered by independent study and prohibition of approval of an enrollment in such a course; and measurement of nonaccredited courses not leading to a standard college degree. Changes are made to 38 CFR 21.5231, 21.5250, and 21.5270 to reflect these changes.

The effective dates of the various changes made by this final rule reflect

the effective dates of the corresponding statutory changes.

Nonsubstantive changes are made for purposes of clarity.

This final rule reflects statutory changes and, therefore, is not subject to the provisions of 5 U.S.C. 552, or 553, including the notice and comment provisions.

The Secretary of Veterans Affairs and the Secretary of Defense hereby certify that this final rule will 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. The changes made by the final rule restate statutory changes. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.120.

List of Subjects in 38 CFR Part 18

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: October 11, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Samuel E. Ebbesen,

Lieutenant General, USA, Deputy Assistant Secretary (Military Personnel Policy), Department of Defense.

For the reasons set out in the preamble, 38 CFR part 21, subpart G is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

1. The authority citation for part 21, subpart G is revised to read as follows:

Authority: 38 U.S.C. 501(a), Chapter 32, unless otherwise noted.

§ 21.5023 [Amended]

2. In § 21.5023, paragraph (b) is amended by removing “and whose full salary is being paid to him or her while so training”.

§ 21.5058 [Amended]

3. In § 21.5058, paragraph (a) is amended by adding the heading “General.”

4. In § 21.5058 paragraphs (b) and (c) are revised to read as follows: