

return a copy to you marked "Examined by the Coast Guard."

(c) If the COTP finds that the Terminal Security Plan does not meet the requirements of § 128.300, he or she will return the Plan with an explanation of why it does not meet them.

(d) No terminal subject to this part may transfer passengers to or from a passenger vessel subject to part 120 of this chapter, unless it holds either a Terminal Security Plan that we have examined or a letter from the COTP stating that we are currently reviewing the Plan and that normal operations may continue until the COTP has determined whether the Plan meets the requirements of § 128.300.

21. Revise § 128.309 to read as follows:

§ 128.309 What do I do if I need to amend my Terminal Security Plan?

(a) If your passenger terminal is subject to this part, you must amend your Terminal Security Plan when directed by the COTP, and may amend it on your own initiative.

(b) You must submit each proposed amendment to the Terminal Security Plan you initiate to the COTP for review at least 30 days before the amendment is to take effect, unless he or she allows a shorter period. The COTP will examine the amendment and respond according to § 128.307.

(c) The COTP may direct you to amend your Terminal Security Plan if he or she determines that implementation of the Plan is not providing effective security. Except in an emergency, he or she will issue you a written notice of matters to address and will allow you at least 60 days to submit proposed amendments.

(d) If there is an emergency or other circumstance that makes the procedures in paragraph (c) of this section impracticable, the COTP may give you an order to implement increases in security immediately. The order will incorporate a statement of the reasons for it.

22. Revise the heading of § 128.311 to read as follows:

§ 128.311 What is my right of appeal?

* * * * *

Dated: September 25, 1998.

James M. Loy,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 98-26578 Filed 10-5-98; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Western Alaska 98-003]

RIN 2115-AA97

Safety Zone; Gulf of Alaska; Southeast of Narrow Cape, Kodiak Island, Alaska, Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the Final Rule (COTP Western Alaska 98-003) which was published August 28, 1998 [63 FR 45949-45950]. The rule establishes a safety zone in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska. The zone is needed to protect the safety of persons and vessels operating in the vicinity of the safety zone during a rocket launch from the Alaska Aerospace Development Corporation, Narrow Cape, Kodiak Island, Alaska. The new information to be added corrects the date when the safety zone will be established.

DATES: This correction is effective October 6, 1998.

FOR FURTHER INFORMATION CONTACT: LCDR Rick Rodriguez at Chief of Port Operations, Coast Guard Captain of the Port of Western Alaska, 510 L Street, Suite 100 Anchorage, Alaska, 99501, (907) 271-6700.

SUPPLEMENTARY INFORMATION:

Need for Correction

The Final Rule incorrectly states that the safety zone will be established from October 6, 1998, through October 20, 1998. The correct establishment date for the safety zone is October 20, 1998 through November 20, 1998.

Correction of Publication

Accordingly, in the publication on August 28, 1998, of the Final Rule (COTP Western Alaska 98-003), which is the subject of FR Doc. 98-23221 [63 FR 45949-45950], make following corrections:

1. On page 45949 in the second & third columns remove the dates "October 6, 1998" and "October 20, 1998" and add the dates October 20, 1998" and "November 20, 1998", respectively.
2. On page 45950, in the first column, remove "6 a.m. September 26, 1998 through 10 p.m. October 8, 1998" and add "October 20, 1998 through November 20, 1998" in its place.
3. On page 45950, in the second column, in § 165.T17-003, in paragraph

(b), remove "October 6, 1998" and "October 20, 1998" and add the dates "October 20, 1998" and "November 20, 1998" respectively.

Dated: September 25, 1998.

W.J. Hutmacher,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 98-26727 Filed 10-5-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AJ09

Eligibility Reporting Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning eligibility verification reports (EVRs) for recipients of pension under programs in effect prior to January 1, 1979. The amendment reduces the number of circumstances under which VA requires such pensioners to furnish annual EVRs. The intended effect of this amendment is to reduce the reporting burden on these beneficiaries, reduce the workload at VA regional offices, and enable VA to use its resources more effectively.

DATES: Effective date: October 6, 1998.

Comment date: Comments must be received on or before December 7, 1998.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (O2D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN: 2900-AJ09." All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). (In addition, see the Paperwork Reduction Act heading under the Supplementary Information section of this preamble regarding submission of comments on the information collection burden.)

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: The term "eligibility verification report" (EVR)

means a VA form requesting information, such as income and marital status, that VA needs to determine or verify eligibility for its need-based benefit programs, such as old law pension and section 306 pension. The term "old law pension" means the disability and death pension programs that were in effect on June 30, 1960. The term "section 306 pension" means those disability and death pension programs in effect on December 31, 1978.

Old law and section 306 pension are need-based benefits in that an individual's eligibility for either depends on his or her income being below a certain limit. If an individual's income exceeds the limit, the individual is no longer eligible. Also, the rate of pension paid is affected by the number of dependents the eligible individual has. For these reasons, EVRs request information concerning income and marital status.

Former 38 CFR 3.256(b)(3) required every old law and section 306 pension recipient, as a condition to continuing to receive pension, to furnish VA an EVR upon request. Former 38 CFR 3.256(b)(2) required VA to require an EVR under the following circumstances: (i) If the Social Security Administration has not verified the recipient's Social Security number and, if the recipient is married, his or her spouse's Social Security number; (ii) if there is any reason to believe that the recipient or, if the recipient's spouse's income could affect entitlement, his or her spouse may have received income other than Social Security benefits during the current or previous calendar year; or (iii) if the Secretary determines that an EVR is necessary to preserve program integrity. This interim final rule requires VA to require an EVR from an old-law or section-306 pension recipient only if the Secretary determines that an EVR is necessary to preserve program integrity.

VA has determined that it is no longer necessary to require EVRs from old law or section 306 pension recipients solely on the bases described in former 38 CFR 3.256(b)(2)(i) and (ii). VA required EVRs in these circumstances to help determine whether the recipients' income exceeded applicable limits. However, the annual income of all old law and section 306 pension recipients has been below applicable limits every year since 1978, and we believe it unlikely that their income will exceed applicable limits in the future. If a recipient's income does exceed the applicable limit, 38 CFR 3.256(a) still requires that he or she promptly notify VA.

Based on these facts, we have determined that it is no longer necessary

to require old law and section 306 pension recipients to submit EVRs based on unverified Social Security numbers or suspected additional income.

Requiring fewer EVRs from old law and section 306 pensioners will reduce the reporting burden for these elderly beneficiaries (the average age is 75) without significantly increasing the risk of erroneous pension payments. Because the rates of payment do not change, changes in income have no effect on payments except in the rare instance of income exceeding the income limit. Furthermore, VA has data exchange programs with other agencies such as the Internal Revenue Service, the Social Security Administration, the Railroad Retirement Board, and the Office of Personnel Management. These computer matching programs increase the likelihood that VA will learn of increases in income in those rare instances where the beneficiary failed to report the change. This amendment will also reduce workload at VA regional offices and enable VA to redirect scarce resources to other types of claims processing.

VA will still require old law and section 306 pensioners to furnish EVRs if it determines that it is necessary to preserve program integrity, which means it is necessary for VA, or an agency with oversight authority over VA, to verify that EVR-exempt beneficiaries are accurately reporting changes in entitlement factors. 38 CFR 3.256 is amended accordingly.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, as amended (44 U.S.C. 3501-3520), this interim final rule includes information collection provisions in 38 CFR 3.256 and 3.277. Prior to the effective date of this document, the information collections contained in §§ 3.256 and 3.277 were approved by OMB through November 30, 2000, under OMB Control No. 2900-0101. For some recipients of pension under programs in effect prior to January 1, 1979, this interim final rule eliminates the previous requirement they submit EVRs to VA annually. The only action concerning information collection taken by this document is to eliminate certain collections of information contained in the approval under OMB Control No. 2900-0101. In accordance with section 3507(j) of the Act and 5 CFR 1320.13, we have requested that OMB approve the information collection provisions in §§ 3.256 and § 3.277 under OMB Control No. 2900-0101 on an emergency basis for 180 days.

VA intends to seek an extension of the approval for the information collection changes made by this document. Therefore, VA asks for comments regarding the information collection provisions contained in §§ 3.256 and 3.277. After considering any comments received during the comment period, VA will submit a copy of the proposed information collection provisions to OMB for approval.

This document eliminates 22,500 reporting hours from the total of 354,725 burden hours that OMB had previously approved under the same control number. The Secretary has determined that the collection of information is essential to the mission of the agency, that use of the collection of information in this document is needed before the normal time periods established under 5 CFR part 1320, and that public harm is reasonably likely to result if normal clearance procedures are followed. This interim final rule eliminates the need for VA to mail approximately 45,000 elderly recipients of old law or section 306 pensions reporting forms that would require responses. Accordingly, emergency approval of the information collection as amended by this interim final rule is needed to eliminate VA's obligation to mail out unnecessary EVR forms and thereby avoid an unnecessary burden to the public.

Title: Eligibility Verification Reports.

Summary of collection of information: This collection of information consists of written information concerning entitlement factors in VA's income-based benefit programs, pension and parents' dependency and indemnity compensation, that a person must submit on a form prescribed by the Secretary within 60 days of a request by VA. It also consists of written information concerning the same entitlement factors that a person must report promptly if there is a change affecting entitlement, but need not submit on a form.

Description of need for information and proposed use of information: Any individual who has applied for or receives pension or parents' dependency and indemnity compensation must promptly notify the Secretary of changes affecting entitlement to such benefits and respond within 60 days of a request by VA for written information concerning entitlement factors. The information is required to comply with statutory eligibility requirements.

Description of likely respondents: Individuals or households.

Estimated number of respondents: 664,450.

Estimated frequency of responses:

Once per year.

Estimated total annual reporting and recordkeeping burden: 332,225 hours.

Estimated average burden per collection: 30 minutes.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

- Enhancing the quality, usefulness, and clarity of the information to be collected; and

- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the collection of information must be submitted by October 14, 1998 and be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900—AJ09." We have asked OMB to act by October 21 1998.

Administrative Procedure Act

There is good cause under the provisions of 5 U.S.C. 553 to publish this interim final rule without regard to prior notice and comment and effective date provisions. Compliance with these provisions would be impracticable, unnecessary, and contrary to the public interest. This interim final rule merely eliminates collections of information that are no longer needed.

Regulatory Flexibility Act

Because no notice of proposed rulemaking was required in connection with the adoption of this interim final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601–612). Even so, the Secretary hereby certifies that this interim 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. This interim final rule affects only individuals.

Executive Order 12866

OMB has reviewed this document under the provisions of Executive Order 12866.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.105.

List of Subjects in 38 CFR Part 3

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

Approved: May 18, 1998.

Togo D. West, Jr.,
Secretary.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

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

2. Section 3.256 is revised to read as follows:

§ 3.256 Eligibility reporting requirements.

(a) *Obligation to report changes in factors affecting entitlement.* Any individual who has applied for or receives pension or parents' dependency and indemnity compensation must promptly notify the Secretary in writing of any change affecting entitlement in any of the following:

- (1) Income;
- (2) Net worth or corpus of estate;
- (3) Marital status;
- (4) Nursing home patient status;
- (5) School enrollment status of a child 18 years of age or older; or
- (6) Any other factor that affects entitlement to benefits under the provisions of this Part.

(b) *Eligibility verification reports.* (1) For purposes of this section the term

eligibility verification report means a form prescribed by the Secretary that is used to request income, net worth (if applicable), dependency status, and any other information necessary to determine or verify entitlement to pension or parents' dependency and indemnity compensation.

(2) VA will not require old law or section 306 pensioners to submit eligibility verification reports unless the Secretary determines that doing so is necessary to preserve program integrity.

(3) The Secretary shall require an eligibility verification report from individuals receiving parents' dependency and indemnity compensation under the following circumstances:

(i) If the Social Security Administration has not verified the beneficiary's Social Security number and, if the beneficiary is married, his or her spouse's Social Security number.

(ii) If there is reason to believe that the beneficiary or, if the spouse's income could affect entitlement, his or her spouse may have received income other than Social Security during the current or previous calendar year; or

(iii) If the Secretary determines that an eligibility verification report is necessary to preserve program integrity.

(4) An individual who applies for or receives pension or parents' dependency and indemnity compensation as defined in §§ 3.3 or 3.5 of this part shall, as a condition of receipt or continued receipt of benefits, furnish the Department of Veterans Affairs an eligibility verification report upon request.

(c) If VA requests that a claimant or beneficiary submit an eligibility verification report but he or she fails to do so within 60 days of the date of the VA request, the Secretary shall suspend the award or disallow the claim.

(Authority: Sec. 306(a)(2) and (b)(3), Pub. L. 95–588, 92 Stat. 2508–2509; 38 U.S.C. 1315(e))

3. Section 3.277 is republished as follows:

§ 3.277 Eligibility reporting requirements.

(a) *Evidence of entitlement.* As a condition of granting or continuing pension, the Department of Veterans Affairs may require from any person who is an applicant for or a recipient of pension such information, proofs, and evidence as is necessary to determine the annual income and the value of the corpus of the estate of such person, and of any spouse or child from whom the person is receiving or is to receive increased pension (such child is hereinafter in this section referred to as

a *dependent child*), and, in the case of a child applying for or in receipt of pension in his or her own behalf (hereinafter in this section referred to as a *surviving child*), of any person with whom such child is residing who is legally responsible for such child's support.

(b) *Obligation to report changes in factors affecting entitlement.* Any individual who has applied for or receives pension must promptly notify the Secretary in writing of any change affecting entitlement in any of the following:

- (1) Income;
- (2) Net worth or corpus of estate;
- (3) Marital status;
- (4) Nursing home patient status;
- (5) School enrollment status of a child 18 years of age or older; or
- (6) Any other factor that affects entitlement to benefits under the provisions of this part.

(c) *Eligibility verification reports.* (1) For purposes of this section the term eligibility verification report means a form prescribed by the Secretary that is used to request income, net worth, dependency status, and any other information necessary to determine or verify entitlement to pension.

(2) The Secretary shall require an eligibility verification report under the following circumstances:

- (i) If the Social Security Administration has not verified the beneficiary's Social Security number and, if the beneficiary is married, his or her spouse's Social Security number;
- (ii) If there is reason to believe that the beneficiary or his or her spouse may have received income other than Social Security during the current or previous calendar year; or

(iii) If the Secretary determines that an eligibility verification report is necessary to preserve program integrity.

(3) An individual who applies for or receives pension as defined in § 3.3 of this part shall, as a condition of receipt or continued receipt of benefits, furnish the Department of Veterans Affairs an eligibility verification report upon request.

(d) If VA requests that a claimant or beneficiary submit an eligibility verification report but he or she fails to do so within 60 days of the date of the VA request, the Secretary shall suspend the award or disallow the claim.

(Authority: 38 U.S.C. 1506)

[FR Doc. 98-26781 Filed 10-5-98; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME014-6994c; A-1-FRL-6172-8]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Source Surveillance Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On August 11, 1998, the EPA published a proposed rule (63 FR 42784) and a direct final rule (63 FR 42726) approving Maine's Chapter 117 "Source Surveillance Regulation." The EPA is withdrawing this final rule due to adverse comments and will summarize and address the comments received in a subsequent final rule (based upon the proposed rule cited above).

DATES: This withdrawal of the direct final rule will be effective October 6, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 565-3166.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 28, 1998.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 98-26789 Filed 10-5-98; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB75

Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Five Desert Milk-vetch Taxa From California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as amended, (Act) for three plants—*Astragalus jaegerianus* (Lane Mountain milk-vetch), *Astragalus lentiginosus* var. *coachellae* (Coachella Valley milk-vetch), and *Astragalus tricarinatus* (triple-ribbed milk-vetch); and threatened status for two plants, *Astragalus lentiginosus* var. *piscinensis* (Fish Slough milk-vetch), and *Astragalus magdalenae* var. *peirsonii* (*Peirson's milk-vetch*). Many taxa in the genus *Astragalus*, including the taxa covered by this rule, are endemic to habitats with specific substrate or hydrologic conditions and are, therefore, naturally limited in distribution by the availability of habitat. The five taxa in this rule occur in specific habitats within the three deserts of California; the Sonoran, Mojave, and Great Basin deserts. *Astragalus jaegerianus* occurs in granitic soils in San Bernardino County; *A. lentiginosus* var. *coachellae* occurs in the dune system of the Coachella Valley in Riverside County; *A. lentiginosus* var. *piscinensis* grows in moist alkaline flats near the border of Inyo and Mono counties; *A. tricarinatus* occurs in canyon slopes and washes in Riverside and San Bernardino counties and *A. magdalenae* var. *peirsonii* occurs primarily on dunes in Imperial County.

These five plant taxa are threatened by one or more of the following—mining, urban development, off-highway vehicle (OHV) use and recreational development, pipeline maintenance, alteration of a wetland ecosystem, and low recruitment possibly due to rabbit herbivory or altered soil hydrology following fishery enhancement activities. Military training, and cattle grazing are potential threats. Two of the taxa are known from fewer than 200 individuals during the last decade. They are vulnerable to extinction from random natural events