

Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Maritime traffic will not be significantly impacted because of the small number of vessels expected to need this safety zone, and the limited area affected by the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) for the reason stated above that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. Pursuant to COMDTINST M16475.1B, paragraph (34)(g), an environmental determination has been made that this rule will not significantly affect the environment. A categorical exclusion determination is on file in the rulemaking docket and is available for inspection or copying at the address shown above in the paragraph entitled "For Further Information Contact".

List of Subject in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Safety measures, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, the Coast Guard amends as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new section 165.T96–072 is added to read as follows:

§ 165.T96–072 Safety Zone; Back River and Foster Creek, Charleston, SC.

(a) *Regulated area.* Naval Weapons Station/U.S. Border Patrol Training Academy Small Arms Range. The following area is a safety zone: those portions of unnamed tributaries of the Back River and Foster Creek lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation) beginning at a point on the main shoreline at position 32–59.19N, 079–56.52W; then to 32–59.11N, 079–56.59W; then to 32–59.16N, 079–57.11W; then back to the point of beginning. All coordinates referenced use datum: NAD 1983.

(b) *Effective dates.* This regulation is effective at 12:01 a.m. Eastern Standard Time (EST) on December 1, 1996 and will terminate at 12 a.m. EST on February 1, 1997 unless sooner terminated by the Captain of the Port, Charleston, SC.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into the zone is subject to the following requirements:

(1) This safety zone is closed to all persons, vehicles and vessels, except as may be permitted by the Captain of the Port.

(2) Persons desiring to enter or operate vehicles or vessels within the safety zone shall contact the Captain of the Port to obtain permission to do so. Persons given permission to enter or operate in the safety zone shall comply with all directions given them by the Captain of the Port.

(3) The Captain of the Port may be contacted via the Coast Guard Group Charleston operations center at (803) 724–7619 or VHF–FM channel 16.

Dated: November 27, 1996.

M.J. Pontiff,

Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

[FR Doc. 96–32835 Filed 12–24–96; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–A143

Adjudication Regulations; Miscellaneous

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends adjudication regulations by removing obsolete sections, updating authority citations, and making other nonsubstantive changes.

EFFECTIVE DATE: December 26, 1996.

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) 273–7230.

SUPPLEMENTARY INFORMATION: 38 CFR 3.107 contains requirements for processing benefit awards where claims have not been filed by or on behalf of all dependents who may be entitled to monetary benefits. The heading of § 3.107, "Awards where all dependents do not apply", does not accurately reflect its content and we are revising it to read "Awards where not all dependents apply".

38 CFR 3.315(c)(1) (i) and (ii) require basic eligibility determinations under certain circumstances when veterans apply for education benefits under 38 U.S.C. Chapter 34 and Chapter 32, respectively. Since 38 U.S.C. Chapter 34 expired on December 31, 1989, § 3.315(c)(1)(i) is obsolete and we have removed it. The last date that a veteran seeking benefits under 38 U.S.C. Chapter 32 could have entered active duty and not have the two-year service requirement found in 38 U.S.C. 5303A apply was October 16, 1981. If such a veteran also did not meet the 181-day service requirement, that veteran would have been released from active duty before April 16, 1982, and, if found eligible for benefits under 38 U.S.C. Chapter 32, would have had the period of eligibility expire ten years from the date of release from active duty, or no later than April 16, 1992. If such a veteran made a current application for chapter 32 educational benefits, there would be no need for rating board referral in order to adjudicate that claim. Section 3.315(c)(1)(ii) is therefore obsolete and we have removed it.

The references in § 3.315(c)(4) to Post-Korean and Vietnam era service were needed to administer § 3.315(c)(1)(i). Since § 3.315(c)(1)(i) has been removed,

there is no longer any need in § 3.315(c)(4) to refer to service between January 31, 1955, and August 5, 1964, and during the Vietnam era. We have revised § 3.315(c)(4) accordingly. As there is no longer any need to refer to 38 U.S.C. 3452(a) in the authority citation following § 3.315(c), we have removed that reference. Also, that authority citation contains an incorrect reference to "10 U.S.C. 2133(b)". The correct reference is "10 U.S.C. 16133(b)", and we have revised the reference accordingly. Sections 3.315(c)(3)(i) and 3.1000(g) contain incorrect references to "10 U.S.C. Chapter 106". The correct reference is "10 U.S.C. Chapter 1606", and we have revised the references accordingly.

38 CFR 3.400(d) is being deleted because it merely restates a statute and its provisions have become obsolete.

When the Social Security Administration (SSA) has notified the Department of Veterans Affairs (VA) that payments to any individual have been authorized pursuant to section 217(b)(2) of the Social Security Act (42 U.S.C. 417(b)(2)), 38 CFR 3.709 requires VA to notify SSA of any determination that death pension, compensation, or dependency and indemnity compensation is payable to any dependent of the veteran. Section 5117 of Pub. L. 101-508 revised 42 U.S.C. 417(b)(2) so that it applied only to individuals applying for SSA benefits before the end of the 18-month period after the month in which Pub. L. 101-508 was enacted. Since that 18-month period expired on June 1, 1992, 38 CFR 3.709 is obsolete and we have removed it.

38 CFR 3.712(a) concerns the election of improved pension by Spanish-American War veterans. However, there are no Spanish-American War veterans currently receiving monetary benefits from VA. Consequently, § 3.712(a) is no longer required and is removed. Since the remainder of § 3.712 concerns surviving spouses only, we have revised the heading to read "Improved pension elections; surviving spouses of Spanish-American War veterans", and redesignated paragraphs (b)(1) and (b)(2) as paragraphs (a) and (b), respectively.

Pub. L. 95-588 completely revised the statutory framework for VA pension benefits effective January 1, 1979. 38 CFR 3.961 states that pension claims pending on December 31, 1978, will be adjudicated under title 38 U.S.C. as in effect on December 31, 1978, and that pension claims filed after December 31, 1978, will be adjudicated under title 38 U.S.C. as in effect on January 1, 1979 or thereafter. 38 CFR 3.962 states that claims filed after December 31, 1978,

will generally be adjudicated under title 38 U.S.C. as in effect on December 31, 1978, if entitlement is based on permanent and total disability that existed or death that occurred prior to January 1, 1979.

Since such claims have long since been adjudicated, §§ 3.961 and 3.962 are obsolete and we have removed them.

This final rule makes nonsubstantive changes. Accordingly, this final rule is promulgated without regard to the notice-and-comment and effective-date provisions of 5 U.S.C. 553.

Because no notice of proposed rulemaking was required in connection with the adoption of this 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 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. The final rule only makes nonsubstantive changes.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109, and 64.110.

List of Subjects in 38 CFR Part 3

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

Approved: November 21, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

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. In § 3.107, the section heading is revised to read as follows:

§ 3.107 Awards where not all dependents apply.

* * * * *

§ 3.315 [Amended]

3. In § 3.315, remove paragraphs (c)(1)(i) and (c)(1)(ii) are removed, and paragraphs (c)(1)(iii) and (c)(1)(iv) are redesignated as paragraphs (c)(1)(i) and (c)(1)(ii), respectively. Paragraph (c)(3)(i) is amended by removing "10 U.S.C. chapter 106" and adding, in its place, "10 U.S.C. Chapter 1606"; and

paragraph (c)(4) is amended by removing "after January 31, 1955, and before August 5, 1964, or after May 7, 1975, and § 3.306(b) based on service rendered during the Vietnam era" and adding, in its place, "after May 7, 1975"; and the authority citation following paragraph (c)(4) is revised to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

* * * * *

(Authority: 38 U.S.C. 3011(a)(1)(A)(ii), 3012(b)(1), 3202(1)(A), 10 U.S.C. 16133(b))

§ 3.400 [Amended]

4. In § 3.400 paragraph(d) is removed.

§ 3.709 [Removed]

5. Section 3.709 is removed.

§ 3.712 [Amended]

6. In § 3.712, paragraph (a) and the heading for paragraph (b) are removed, paragraphs (b)(1) and (b)(2) are redesignated as paragraphs (a) and (b), respectively; the section heading is revised to read as follows:

§ 3.712 Improved pension elections; surviving spouses of Spanish-American War veterans.

* * * * *

§ 3.961 [Removed]

7. Section 3.961 is removed.

§ 3.962 [Removed]

8. Section 3.962 is removed.

§ 3.1000 [Amended]

9. In § 3.1000, paragraph(g) is amended by removing "10 U.S.C. chapter 106", and adding, in its place, "10 U.S.C. chapter 1606".

[FR Doc. 96-32726 Filed 12-24-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL-5670-1]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: In compliance with the Paperwork Reduction Act, this document displays the Office of Management and Budget (OMB) control numbers issued under the Paperwork Reduction Act (PRA) for the Criteria for Classification of Solid Waste Disposal Facilities and Practices.