

this part, no person or vessel may enter or remain in this zone, except for participants in the event, supporting personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives.

Effective dates. This regulation becomes effective on July 26 and 27, 1997, from 11 a.m. (PDT) to 5 p.m. (PDT) each day, unless sooner terminated by the Captain of the Port.

Dated: July 18, 1997.

Myles S. Boothe,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 97-19783 Filed 7-25-97; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 334

Danger Zone, Pacific Ocean, Naval Air Weapons Station, Point Mugu, Ventura County, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule invites comments on the Corps proposal to establish a danger zone in the waters of the Pacific Ocean extending 5,000 meters offshore from the small arms range at the Naval Air Weapons Station, Point Mugu, Ventura County, California. The danger zone would provide an appropriate and enforceable zone in which the Navy may conduct small arms test firing to qualify military and civilian security personnel.

DATES: Interim final rule effective July 28, 1997. Written comments must be submitted on or before August 27, 1997.

ADDRESSES: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Ms. Tiffany Welch at (805) 641-2935 or Mr. Ralph Eppard at (202) 761-1783.

SUPPLEMENTARY INFORMATION: The Commander, Naval Air Weapons Station, Point Mugu, has requested that the Corps establish a danger zone in the waters of the Pacific Ocean north of Point Mugu. The area will be open to public use at all times except when the Navy is using the firing range on shore. The Navy will give advance notice of closure of the area by local newspapers, VHF radio, contact with individual vessels and contact with certain fishing organizations. There are no anticipated navigational hazards or interference with existing traffic. General public use

of the area is restricted due to ongoing naval activities. Therefore, no loss of resources or use of resources would be borne by the public. On February 28, 1997, the Corps Los Angeles District Engineer issued a public notice soliciting comments on this proposed danger zone to all known interested parties. The District did not receive any objections to the establishment of the danger zone. In view of the existing threat to public safety within this area, this interim final rule is effective upon publication in the **Federal Register**. The Corps will consider all comments received in response to this interim final rule and in the event substantive comments are received, the Corps will take appropriate action which may include further revision or suspension of the rules.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply. This interim final rule has been reviewed under the Regulatory Flexibility Act (P.L. 96-354), which requires the preparation of a regulatory flexibility and analysis for any regulation that will have significant economic impact on a substantial number of small businesses (i.e., small businesses and small Government jurisdictions). It has been determined that establishment of this danger zone would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, the Corps certifies that this proposal if adopted, will have no significant economic impact on small entities and preparation of a regulatory flexibility analysis is not warranted.

Review Under the National Environmental Policy Act

An environmental assessment has been prepared for this action. We have concluded that the establishment of the danger zone off Point Mugu will not have a significant impact to the human environment and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the Los Angeles District Office. Please contact Ms. Tiffany Welch at (805) 641-2935 for further information.

Unfunded Mandates Act

This interim final rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded

Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

Submission to Congress and the General Accounting Office

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this interim final rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office. This interim final rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger Zones, Navigation (water), Transportation.

In consideration of the above, the Corps of Engineers is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

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

Authority: 40 Stat. 226; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Add § 334.1125 to read as follows:

§ 334.1125 Pacific Ocean Naval Air Weapons Station, Point Mugu, Small Arms Range, Ventura County, California; danger zone

(a) *The area.* A triangular area extending southerly into the waters of the Pacific Ocean from a point on the beach north of Point Mugu, California, as follows:

Station	Latitude	Longitude
1	34°05'48" N	119°07'03" W.
2	34°03'20" N	119°08'16" W.
3	34°03'11" N	119°07'39" W.
4	34°05'42" N	119°06'59" W.
5	34°05'41" N	119°06'51" W.
6	34°05'45" N	119°06'52" W.

(b) *The regulations.* (1) Range firing will normally take place between 7 a.m. and 5 p.m. Monday through Friday.

(2) The danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means:

(i) Notice published in Ventura County daily newspaper, at least two

days in advance of the date of said use and in the local "Notice to Mariners."

(ii) Display of red flag from the tower at 34°05'53"N., 119°06'59"W; or display of red flashing beacons in the case of night firing.

(iii) Radio broadcast on VHF-FM channel 16.

(iv) Notice to individual craft by visit of United States vessel.

(v) Telephone advice to such fisherman's organizations as may request, in writing, that such advice be given.

(3) Safety observers will be on duty at all times when the range is in use. Upon completion of firings, or if the scheduled firing is canceled for any reason, fishermen and small boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(4) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag or beacon is being displayed unless authorized to do so by the range officer in the control tower.

(5) The regulations in this section shall be enforced by personnel attached to the Naval Air Weapons Station, Point Mugu, California, and by such other agencies as the Commandant, Eleventh Naval District, San Diego, California, may designate.

Dated: July 14, 1997.

Russell L. Fuhrman,

Major General, USA, Director of Civil Works.

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DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-A134

Veterans Education: Approval of Training by Independent Study, Including Television

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and educational benefit regulations of the Department of Veterans Affairs (VA). It updates the

definition of independent study; makes changes to reflect statutory provisions; updates authority citations; and makes other changes for purposes of clarification.

DATES: Effective: This final rule is effective July 28, 1997.

Applicability: Certain of the statutory interpretations, restatements of statute, and changes in authority citations contained in this final rule will be applied retroactively from the effective date of the statutory provisions. For more information concerning the dates of application of the provisions of this final rule, see the **SUPPLEMENTARY INFORMATION** section.

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

SUPPLEMENTARY INFORMATION: This document amends 38 CFR part 21, which contains VA educational assistance and educational benefit regulations.

Prior to the enactment of section 104 of the Veterans' Benefits Improvements Act of 1996 (Pub. L. 104-275), an individual's enrollment in an open-circuit television course was permitted for VA educational benefit purposes, only if the course were offered as an integral part of a residence program leading to a standard college degree. The regulations retain the requirement that an open-circuit television course lead to a standard college degree, but Pub. L. 104-275 removed the requirement that an open-circuit television course must be pursued as a part of a residence program. Accordingly, 38 CFR 21.4233, 21.7112, and 21.7612 are amended to reflect this statutory change. With these changes, open-circuit television training is treated as independent study.

Under 38 U.S.C. 3680A, educational assistance is provided to veterans enrolled in independent study programs. A definition of "independent study" is set forth at 38 CFR 21.4267. This definition was intended to interpret the statutory term "independent study." The definition necessitates interaction between the student and the faculty. Previously, § 21.4267 provided that such interaction could be by mail, by telephone, or in person. The definition, however, was not intended to restrict the use of other available means of communication. Accordingly, the definition of "independent study" is changed to include the use of modern communication technologies for the

necessary interaction between faculty and student.

38 U.S.C. 3672 provides for State approving agencies to approve courses for VA training. This includes courses offered by independent study. The regulations at § 21.4267 are amended to reflect these statutory provisions.

Other changes are also made for the purpose of clarity and to reflect current authority citations.

The statutory interpretations and restatements of statute contained in this final rule and changes in authority citations to reflect statutory amendments will be applied retroactively from the effective dates of the statutory provisions. The changes to paragraphs amended solely for purposes of clarification will not be applied retroactively. Accordingly, the dates of application for the provisions covered by this document are as follows: October 9, 1996: §§ 21.4233(c); 21.4267(a); 21.4267(b)(2); 21.7112; and 21.7612. July 28, 1997: Subparts D and K authority citations; §§ 21.4233(d); 21.4267(b)(1)(i); and 21.4267(f).

This document consists of restatements of statute, interpretive rules, updates to authority citations, and changes for purpose of clarification. Therefore, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Department of Defense (DOD), the Department of Transportation (Coast Guard), and VA are jointly issuing this final rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by VA. The remainder of this final rule is issued solely by VA.

The Secretary of Defense, Commandant of the Coast Guard, and Secretary of Veterans Affairs 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. This final rule will not cause educational institutions to make significant changes in their activities and will not have discernible monetary effects. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance numbers for programs affected by this final rule are 64.117, 64.120, and 64.124. The final rule also affects the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.