

role aviation played in making Portsmouth more accessible.

Response: The NPS's decision to preserve an area of historical importance is based on the criteria of its uniqueness and national significance. It was determined that Portsmouth would preserve American life in the early 1900's. Aviation history may be interpreted as part of Portsmouth's history, but preservation of an active airstrip is not necessary to interpret the area and is incompatible with the early 1900's scene. In recent history, with access to Portsmouth via private and public vessels and one vehicle ferry, the number of persons visiting Portsmouth will not be significantly affected by the closure of the Airstrip.

5. Issue: *Delay in concern for hazards.* One responder asked why it took the NPS 11 years to register a concern for the hazards if the Airstrip was in violation of safety regulations. Specifically, was a cut in the NPS budget a cause in the delay?

Response: The NPS became aware and concerned about the hazards as a result of the inspection by the North Carolina Department of Transportation on August 25, 1989. The NPS then developed cost estimates for meeting and maintaining the recommended safety standards. With a decline in use of the Airstrip, the already existing incompatibility concern, and the high cost of maintaining the Airstrip to standards, the NPS decided that the Airstrip should be closed. An "X" was placed on both ends of the Airstrip and persons who inquired were advised of the safety conditions. The budget was a factor in the decision to close the Airstrip, but it was not the only factor.

6. Issue: *Recent use statistics.* One responder inquired that there was no mention of historical use of the Airstrip. The responder used the example of "1984 landings and takeoffs" vs. 1994 landings and takeoffs."

Response: No record has been maintained on the amount of use for the Airstrip other than the 74 flights per year, a figure derived in the late 1980's. Local observation is that there has been a decline in aircraft landings annually.

7. Issue: *Noise and visual intrusions including military operations.* One responder questioned the noise and visual intrusions, based on the number of aircraft landings and takeoffs, as not being significant enough to justify closure. The responder added that military air operations in the area pose a far greater intrusion to the quiet setting of Portsmouth Village.

Response: The NPS agrees that the noise level of military jets overhead presents an intrusion, but this intrusion

is for a short duration measured in seconds. The NPS has a Memorandum of Understanding with the United States Marine Corps stating that air operations will be no closer than 2 miles to the south of the Village and at an altitude of not less than 500 feet.

Summary and Conclusion

The Airstrip does not comply with FAA safety standards and the flying public should not be exposed to the potential hazards associated with operating aircraft from a substandard airstrip. The taxpayer should not risk liability for an aircraft accident resulting from a defect in the Airstrip. Derogating the historical significance of nearby National Register structures to accommodate aircraft operations is not justifiable. Even if funding levels allowed compliance with safety standards, low visitor use and availability of a nearby alternate airport with connecting transportation services suggest that such an expenditure is neither cost-effective nor justifiable. For these reasons, the NPS is closing Portsmouth Village Airstrip by deleting Section 7.98(a) of Title 36 Code of Federal Regulations.

Drafting Information

The primary authors of this rule are Felix Revello, Chief Ranger, Fort Larned National Historic Site, Charles Harris, Chief of Operations, Cape Lookout National Seashore, and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This final rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this final rule will not have a significant effect on the quality of human environment, health, and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses which compromise the nature and characteristics of the area or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rule is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Impact Statement (EIS) nor an Environmental Assessment (EA) has been prepared.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

§ 7.98 [Removed]

2. Section 7.98 is removed.

Dated: May 29, 1996.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–14102 Filed 6–5–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH78

Veterans Education: Increased Allowances for the Educational Assistance Test Program

AGENCY: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the

rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 1995-96 academic year should be increased by 6% over the rates payable for the 1994-95 academic year. The regulations dealing with these rates are amended accordingly.

EFFECTIVE DATE: June 6, 1996.

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

SUPPLEMENTARY INFORMATION: The law (10 U.S.C. 2145) provides that the Secretary of Defense shall adjust the amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the twelve-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of Defense has consulted with the Department of Education. The Department of Defense has concluded that these costs increased by 6% in the 1994-95 academic year. Accordingly, this revision changes 38 CFR 21.5820 and 21.5822 to reflect a 6% increase in the rates payable in the 1995-96 academic year.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 there is good cause for finding that notice and public procedure are impractical, unnecessary, and contrary to the public interest and there is good cause for dispensing with a 30 day delay of the effective date. The rates of subsistence allowance and educational assistance payable under the Educational Assistance Test program are determined based on a statutory formula and, in essence, the calculation of rates merely constitutes a non-discretionary ministerial act.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that these amended regulations, if promulgated, 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. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic

impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

There is no Catalog of Federal Domestic Assistance number for the program affected by these regulations.

List of Subjects in 38 CFR Part 21

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

Approved: April 29, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: May 30, 1996.

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 H is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart H—Educational Assistance Test Program

1. The authority citation for part 21, subpart H continues to read as follows:

Authority: 10 U.S.C. ch. 107, Pub. L. 96-342.

2. In § 21.5820, paragraph (b) is revised, to read as follows:

§ 21.5820 Educational assistance.

* * * * *

(b) *Amount of educational assistance.*

(1) The amount of educational assistance shall be adjusted annually by regulation. For the 1995-96 standard academic year the amount of this assistance may not exceed \$2,761.

(2) The amount of educational assistance payable to a servicemember, veteran, spouse or dependent child of a living servicemember or veteran for an enrollment period shall be the lesser of the following:

(i) The total charges for educational expenses the eligible individual incurs during the enrollment period, or

(ii) For the 1995-96 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$306.78 for a full-time student or by \$153.39 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$10.23 for a full-time student or by \$5.11 for a part-time student; and

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be decreased by 2¢ for a full-time student and decreased by 1¢ for a part-time student.

(3) The amount of educational assistance payable to each surviving spouse or dependent child of a deceased servicemember or veteran for an enrollment period shall be the lesser of the following:

(i) The total charges for educational expenses the eligible individual incurs during the enrollment period, or

(ii) For the 1995-96 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$306.78 for a full-time student or by \$153.39 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$10.23 for a full-time student or by \$5.11 for a part-time student; and

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be decreased by 2¢ for a full-time student and decreased by 1¢ for a part-time student; and

(D) Dividing the amount determined in paragraph (b)(3)(ii)(C) of this section by the number of the deceased veteran's dependents receiving educational assistance for that enrollment period. If one or more dependents is receiving educational assistance for part of the enrollment period, the amount calculated in paragraph (b)(3)(ii)(C) will be prorated on a daily basis. The amount for each day when more than one dependent is receiving educational assistance will be divided by the number of dependents receiving educational assistance on that day. The total amount for the days when only one dependent is receiving educational assistance will not be divided.

* * * * *

3. In § 21.5822, paragraphs (b)(1)(i), (b)(1)(ii), (b)(2)(i), and (b)(2)(ii) are revised, to read as follows:

§ 21.5822 Subsistence allowance.

* * * * *

(b) *Amount of subsistence allowance.*
(1) * * *

(i) If a person is pursuing a course of instruction on a full-time basis, his or her subsistence allowance is \$688 per month for training pursued during the 1995-96 academic year,

(ii) If a person is pursuing a course of instruction on other than a full-time basis, his or her subsistence allowance

is \$344 per month for training pursued during the 1995–96 academic year,

* * * * *

(2) * * *

(i) VA shall determine the monthly rate of subsistence allowance payable to a person for a day during which he or she is pursuing a course of instruction full-time during the 1995–96 academic year by dividing \$688 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day:

(ii) VA shall determine the monthly rate of subsistence allowance payable to a person for a day during which he or she is pursuing a course of instruction on other than a full-time basis during the 1995–96 academic year by dividing \$344 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day;

* * * * *

[FR Doc. 96–14201 Filed 6–5–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH39

Veterans Education: Course Measurement for Graduate Courses

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule amendments to the “Administration of educational benefits” regulations which provide that all undergraduate courses taken by graduate students are to be measured by the graduate school (full time, half time, quarter time, etc.) or by the formula used for measuring undergraduate courses for undergraduate students, whichever results in a higher monthly rate for the veteran. Students receive benefits based on the assessment of their training time (full time, half time, quarter time, etc.). Graduate schools, often with unique programs, have the most expertise for assessing the training status for their own programs. Also, they realistically report the training status of graduate students. Even so, we do not believe that graduate students should be paid a lower monthly rate than undergraduate students for the same training. Hence, the adoption of this change streamlines the process while yielding equitable results.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for

Policy and Program Administration, Education Service, Veterans Benefits Administration (202) 273–7187.

SUPPLEMENTARY INFORMATION: On February 12, 1996, the Department of Veterans Affairs (VA) published in the Federal Register (61 FR 5357) a proposed rule to provide a method of measuring a graduate student's enrollment when he or she enrolls in one or more graduate courses and one or more undergraduate courses. The public was given 60 days to submit comments. VA received two comments, one from an official of a large State university and one from the president of an association of officials who certify students' enrollments to VA. Both urged that the proposal be adopted.

Accordingly, based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule. This final rule also affirms the information in the proposed rule document concerning the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117, 64.120, and 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 22, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

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

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

1. The authority citation for part 21, subpart D continues to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4273, paragraph (a)(2) is amended by removing “assessed” and adding, in its place, “measured”; and paragraph (c) is revised and its authority citation is added to read as follows:

§ 21.4273 Collegiate graduate.

* * * * *

(c) *Undergraduate or combination.* If a graduate student is enrolled in both graduate and undergraduate courses concurrently, or solely in undergraduate courses, VA will measure such an enrollment using the provisions of § 21.4272 or the graduate school's assessment of training time, whichever will result in a higher monthly rate for the veteran.

(Authority: 38 U.S.C. 3668(b); Pub. L. 102–568)

[FR Doc. 96–14203 Filed 6–5–96; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 15 and 32

[FRL–5513–1]

RIN 2030–AA38

Suspension, Debarment and Ineligibility for Contracts, Assistance, Loans and Benefits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule removes Part 15 (“Administration of the Clean Air Act and the Clean Water Act with Respect to Contracts, Grants, and Loans—List of Violating Facilities”) from Title 40 of the Code of Federal Regulations. This rule also amends 40 CFR Part 32, Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drugfree Workplace (Grants), by adding procedures needed to administer the ineligibility provisions of the Clean Air Act (CAA), Clean Water Act (CWA), and EO 11738.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: Robert F. Meunier, EPA Suspending and Debarring Official, (3901F), 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260–8030; or E-Mail to: meunier.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On September 11, 1995, EPA published a Notice of Proposed Rulemaking (See 60 FR 47135) proposing to eliminate regulations at 40 CFR Part 15 governing the listing, and removal from the list, of facilities rendered ineligible to participate in Federal grants, contracts and loans pursuant to Section 306 of the Clean Air