

Dated: March 25, 1996.

Bradley A. Buckles,

Acting Director.

Approved: April 8, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96-11375 Filed 5-07-96; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 292

RIN 0596-AB39

Smith River National Recreation Area

AGENCY: Forest Service, USDA.

ACTION: Final rule; change of effective date.

SUMMARY: The Forest Service is giving notice of a change in the effective date of the Smith River National Recreation Area final rule. The Smith River final rule was published in the Federal Register on April 3, 1996, (61 FR 14621) and became effective on that date. However, at the time of submission, the Forest Service was unaware of the new statutory requirements concerning Congressional review of regulations. Public Law 104-121, Subtitle E, Section 251, "Congressional Review" requires the agency to submit a report and a copy of a final regulation to each House of Congress and to the General Accounting Office (GAO), when the rule is published in the Federal Register. The effective date of a published rule must be later than the publication date in order to allow time for Congressional review. A report and a copy of the rule were submitted to Congress and the GAO on May 3, 1996.

EFFECTIVE DATE: The new effective date for this rule is May 23, 1996.

FOR FURTHER INFORMATION CONTACT: Sam Hotchkiss, Minerals and Geology Management Staff, Forest Service, USDA, (202) 205-1535.

SUPPLEMENTARY INFORMATION: This final rule (36 CFR Part 292) implements Section 8(d) of the Smith River National Recreation Area Act of 1990 and sets forth the procedures by which the Forest Service will regulate mineral operations on National Forest System lands within the Smith River National Recreation Area. This rule supplements existing Forest Service regulations and is intended to ensure that mineral operations are conducted in a manner consistent with the purposes for which

the Smith River National Recreation Area was established.

Dated: May 3, 1996.

David G. Unger,

Associate Chief.

[FR Doc. 96-11471 Filed 5-7-96; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AH83

Adjudication Regulations; Miscellaneous

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends adjudication regulations by updating various cross-references and authority citations and by making other nonsubstantive changes.

EFFECTIVE DATE: This amendment is effective May 8, 1996.

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

SUPPLEMENTARY INFORMATION: 38 CFR 3.23(d)(5) concerns annual income for improved pension surviving spouses. The authority citation for 38 CFR 3.23(d)(5) is shown incorrectly as "38 U.S.C. 1541 (c), (h)". The authority citation is corrected to read "38 U.S.C. 1541 (c), (g)".

38 CFR 3.24(c)(1) states that in certain situations pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child, and "the sum of the annual income of such person." This paragraph is based on 38 U.S.C. 1542 which states that the child's rate is reduced by the child's income or, if the child is residing with a person legally responsible for the child's support, by "the sum of the annual income of such child and such person." 38 CFR 3.24(c)(1) is amended to restore the words "the annual income of such child and" before "the annual income of such person". These words appear in the Federal Register of September 16, 1987, but were omitted from the July 1, 1988, Federal Register codification of 38 CFR and all subsequent versions. This change will conform the regulation to 38 U.S.C. 1542.

The most recent change to 38 CFR 3.25 appeared in the Federal Register of September 16, 1987. The version of 38 CFR 3.25(c)(2) in the Federal Register of September 16, 1987, contained the following statement: ". . . no payment of DIC to a parent under this paragraph may be less than \$5 monthly. Each time there is a rate increase under 38 U.S.C. 3112, the amount of the reduction under this paragraph shall be recomputed to provide, as nearly as possible, for an equitable distribution of the rate increase." However, the July 1, 1988, codified version of 38 CFR 3.25(c)(2) omitted the following words: "may be less than \$5 monthly. Each time there is a rate increase under 38 U.S.C. 3112, the amount of the reduction under this paragraph". This change restores the words that were inadvertently omitted from 38 CFR 3.25(c)(2).

38 CFR 3.250(d) concerning remarriage of a parent receiving Dependency and Indemnity Compensation (DIC) contains an incorrect reference to "38 U.S.C. 102(a)(2)". The reference is corrected to read "38 U.S.C. 102(b)(1)".

38 CFR 3.252(a), which concerns annual income limitations in old-law pension cases, contains an incorrect reference to "§ 3.26(b)". 38 CFR 3.252(a) is changed to show the correct reference for old-law pension, which is 38 CFR 3.26(c).

In 1991 § 14(d)(8)(b) of Public Law 102-54 eliminated subsection (e) from 38 U.S.C. 6103. The language that was previously in subsection (e) was included under subsection (b). The authority citation for 38 CFR 3.458(f)(2) is changed from "38 U.S.C. 6103(e)" to "38 U.S.C. 6103(b)".

38 CFR 3.100(a), 38 CFR 3.321(b)(1), 38 CFR 3.460(b), 38 CFR 3.461(b)(1), and 38 CFR 3.559(c) are amended to show the current title of the chief officer of the Veterans Benefits Administration. Previously the Under Secretary for Benefits was called the "Chief Benefits Director."

A regulatory change published in the Federal Register of June 24, 1985, moved effective date rules for Dependency and Indemnity Compensation (DIC) from 38 CFR 3.400(c)(3) to 38 CFR 3.400(c)(4). 38 CFR 3.702 on DIC is amended to reflect that change in two references to 38 CFR 3.400.

We are amending 38 CFR 3.852 on institutional awards to add authority citations for paragraphs (a), (c), (d), and (e).

In 1991, § 14(d)(8)(b) of Public Law 102-54 eliminated paragraph (e) from 38 U.S.C. 6103. The authority citation for 38 CFR 3.901(c) is changed from "38

U.S.C. 6103(e)" to "38 U.S.C. 6103". The authority citation for 38 CFR 3.901(d)(3) is changed from "38 U.S.C. 6103(a), (d), (e)" to "38 U.S.C. 6103". The authority citation for 38 CFR 3.902(d)(3) is changed from "38 U.S.C. 6103(d), (e), 6104" to "38 U.S.C. 6104".

38 CFR 3.1612(e)(3) is amended to show the current name of the element within VA which is responsible for furnishing Government headstones and markers. Previously the Office of Memorial Programs was called the "Monument Service."

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 Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 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: April 30, 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.

§ 3.23 [Amended]

2. In § 3.23, the authority citation immediately following paragraph (d)(5) is revised to read as follows:

(Authority: 38 U.S.C. 1541(c), (g))

§ 3.24 [Amended]

3. In § 3.24, paragraph (c)(1) is amended by adding "the annual income of such child and" immediately following "and the sum of".

§ 3.25 [Amended]

4. In § 3.25, the concluding text of paragraph (c) is amended by adding "may be less than \$5 monthly. Each time there is a rate increase under 38 U.S.C. 5312, the amount of the reduction under this paragraph" immediately following "to a parent under this paragraph".

§ 3.100 [Amended]

5. In § 3.100, paragraph (a) is amended by removing "Chief Benefits Director" and "Director" and adding, in their place, "Under Secretary for Benefits" and "Under Secretary", respectively.

§ 3.250 [Amended]

6. In § 3.250, paragraph (d) is amended by removing "(38 U.S.C. 102(a)(2))" and adding, in its place, "(38 U.S.C. 102(b)(1))".

§ 3.252 [Amended]

7. In § 3.252, paragraph (a) is amended by removing "§ 3.26(b)" and adding, in its place, "§ 3.26(c)".

§ 3.321 [Amended]

8. In § 3.321, paragraph (b)(1) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

§ 3.458 [Amended]

9. In § 3.458, the authority citation immediately following paragraph (f)(2) is revised to read as follows:

(Authority: 38 U.S.C. 6103(b); 6104(c); 6105(a))

§ 3.460 [Amended]

10. In § 3.460, paragraph (b) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

§ 3.461 [Amended]

11. In § 3.461, paragraph (b)(1) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

§ 3.559 [Amended]

12. In § 3.559, paragraph (c) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

§ 3.702 [Amended]

13. In § 3.702, paragraph (a) is amended by removing "§ 3.400(c)(3)" and adding, in its place, "§ 3.400(c)(4)".

14. In § 3.702, paragraph (b) is amended by removing "§ 3.400(c)(3)(ii)" and adding, in its place, "§ 3.400(c)(4)(ii)".

15. In § 3.852, an authority citation for paragraphs (a), (c), (d), and (e) is added

immediately following each such paragraph, to read as follows:

§ 3.852 Institutional awards.

(a) * * *

(Authority: 38 U.S.C. 5503(b)(3))

* * * * *

(c) * * *

(Authority: 38 U.S.C. 5307)

(d) * * *

(Authority: 38 U.S.C. 5503(b)(3))

(e) * * *

(Authority: 38 U.S.C. 5502)

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§ 3.901 [Amended]

16. In § 3.901, the authority citation immediately following paragraph (c) is revised to read as follows:

(Authority: 38 U.S.C. 6103)

17. In § 3.901, the authority citation immediately following the concluding text of paragraph (d) is revised to read as follows:

(Authority: 38 U.S.C. 6103)

§ 3.902 [Amended]

18. In § 3.902, the authority citation immediately following the concluding text of paragraph (d) is revised to read as follows:

(Authority: 38 U.S.C. 6104)

§ 3.1612 [Amended]

19. In § 3.1612, paragraph (e)(3) is amended by removing "Monument Service" and adding, in its place, "Office of Memorial Programs".

[FR Doc. 96-11418 Filed 5-7-96; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 21

RIN 2900-AH59

Educational Assistance: Technical Amendments

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

SUMMARY: This document amends statutory citations in the educational assistance regulations to reflect that the National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103-337) reorganized a portion of title 10, United States Code, by moving sections 2131 through 2137 from chapter 106 to sections 16131 through 16137 in chapter 1606. This document also corrects typographical errors and corrects other citation entries. The changes made by this document concern the Montgomery GI Bill-Selected Reserve program, the Montgomery GI Bill-Active Duty