

The economic impact will not affect a substantial number of small entities since tugs with tows are exempt and local excursion vessels will be able to plan their passage during the scheduled opening periods.

Therefore, the Coast Guard's position is that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

#### 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 the rule that under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

#### **PART 117—[AMENDED]**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.261 is amended by revising paragraph (bb) to read as follows:

#### **§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo, FL.**

\* \* \* \* \*

(bb) Hillsboro Boulevard (SR 810) bridge, mile 1050.0 at Deerfield Beach. The draw shall open on signal; except that, from October 1 through May 31, from 7 a.m. to 6 p.m., on Monday through Thursday, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour; and from 7 a.m. to 6 p.m., on Friday through Sunday and federal holidays, the draw need open only on the hour and half-hour.

\* \* \* \* \*

Dated: December 9, 1996.

J.W. Lockwood,

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 96–32847 Filed 12–24–96; 8:45 am]

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#### **33 CFR Part 165**

[COTP CHARLESTON 96–072]

RIN 2115–AA97

#### **Safety Zone Regulations; Back River and Foster Creek, Charleston, SC**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the U.S. Border Patrol Training Academy Small Arms Range at the Charleston Naval Weapons Station. The safety zone will become 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. This safety zone is needed to protect vessels and personnel from safety hazards associated with small arms fire and is an extension of a previously published rule [COTP Charleston 96–052].

**EFFECTIVE DATE:** The regulation becomes effective at 12:01 a.m. EST on December 1, 1996 and will terminate at 12 a.m. EST on February 1, 1997 unless terminated earlier by the Captain of the Port.

#### **FOR FURTHER INFORMATION CONTACT:**

Lieutenant Jeffrey T. Carter, Coast Guard Marine Safety Office Charleston, at (803) 720–7701, between the hours of 7:30 a.m. and 4:00 p.m. EDT, Monday through Friday, except federal holidays.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 533, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal

rulemaking procedures would have been impractical. The information concerning the need for an extension to the previously published rule was not received with sufficient time to publish proposed rules prior to the event or to provide for a delayed effective date.

#### Discussion of Regulation

The temporary safety zone, previously published as [COTP] Charleston 96–052], being extended for an additional two months for the U.S. Border Patrol Training Academy Small Arms Range at Charleston Naval Weapons Station. The safety zone will become 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. This safety zone is needed to protect vessels and personnel from safety hazards associated with small arms fire.

The safety zone will consist of those portions of unnamed tributaries of the Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline, which is the northern shore of an unnamed tributary of Back river at position 32–59.19N, 079–56.52W, southwesterly to a point on or near the northern shoreline of Big Island at position 32–59.11N, 079–56;59W; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at position 32–59.16N, 079–57.11W; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point beginning at position 32–59.19N, 079–56.52W. All coordinates referenced use datum; NAD 1983. The Captain of the Port has restricted vessel operations in this safety zone. No persons, vehicles or vessels will be allowed to enter or operate within this zone, except as may be authorized by the Captain of the Port, Charleston, South Carolina. This regulation is issued pursuant to 33 U.S.C. 1231, as set out in the authority citation of Part 165.

#### Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of

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 the 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,