

and copying at U.S. Coast Guard Marine Safety Office Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T. J. Walker, Chief of Port Operations, Coast Guard Marine Safety Office, Long Island Sound at (203) 468-4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

This rule is being published as a final rule and is being made effective on the date of publication. Pursuant to 5 U.S.C. 553, good cause exists for promulgating this rule without a notice of proposed rulemaking (NPRM) and for making this rule effective less than 30 days after publication in the **Federal Register**. The facilities located in the areas protected under the disestablished security zones are no longer used by the Navy to moor vessels and therefore the security zones are of no further use. No purpose is served by restricting the boating public's access to the facilities and surrounding waters for a longer period of time due to delays associated with the normal rulemaking process. No adverse effects upon local commerce and/or public conveyances is expected under the proposed regulation changes. For these reasons, the Coast Guard finds good cause, under 5 U.S.C. 553, that notice, and public procedure on the notice, before the effective date of this rule are unnecessary and that this rule should be made effective in less than 30 days after publication.

Background and Purpose

Pursuant to consultations with the US Navy and the State of Connecticut, this final rule will remove two existing security zones on the Thames River, New London, Connecticut. Security Zone A, (33 CFR 165.140(a)(1)) restricted access to the waters surrounding the New London State Pier. Security Zone D, (33 CFR 165.140(a)(4)), restricted access to the waters surrounding the former Naval Underwater Warfare Center. These zones were used to safeguard Navy vessels moored at these facilities. The facilities mentioned above are no longer used by the Navy. The Navy stopped using the State Pier in 1992 and decommissioned the Naval Underwater Warfare Center in 1996. Therefore, these security zones are no longer necessary.

Security Zone B, (33 CFR 165.140(a)(2)), restricting access to the waters surrounding General Dynamics' Electric Boat facility and Security Zone

C, (33 CFR 165.140(a)(3)) restricting access to the waters surrounding the Naval Submarine Base shall remain in effect.

Regulatory Evaluation

This final rule 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 not been reviewed 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. For the reasons stated in the Regulatory History, the Coast Guard expects the economic impact of this regulation to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this rule will have a significant impact upon a substantial number of small entities. Small entities include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. For the reasons addressed under the Regulatory History above, the Coast Guard finds that this rule will not have a significant 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

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking 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 section 2.B.2.e. of Commandant Instruction M16475.1B, as revised by 59 FR 38654, July 29, 1994,

this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (waters), Reporting and Recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 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; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.50.

§ 165.140 [Amended]

2. Section 165.140 is amended as follows:

- a. Remove paragraph (a)(1).
- b. Remove paragraph (a)(4).
- c. Redesignate paragraphs (a)(2) and (a)(3) as (a)(1) and (a)(2).
- d. In the new paragraph (a)(1), and remove the words "Security Zone B" and add, in their place, the words "Security Zone A".
- e. In the new paragraph (a)(2), remove the words "Security Zone C" and add, in their place, the words "Security Zone B".
- f. In paragraph (b) remove the words "SECURITY ZONES A or B" and replace them with the words "SECURITY ZONE A", and remove the words "SECURITY ZONE B" and replace them with "SECURITY ZONE A".

Dated: September 16, 1997.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-A121

Disinterments From National Cemeteries

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

SUMMARY: The Department of Veterans Affairs (VA) is issuing a final rule to amend regulations concerning disinterments from national cemeteries. Current regulations permit disinterment of persons buried in a national cemetery with the consent of immediate family

members. Previously, the definition of immediate family members included a surviving spouse only if unmarried. The regulation change defines immediate family members for purposes of disinterments to include a surviving spouse whether or not the spouse had remarried. This is necessary since the emotional ties of the surviving spouse are sufficient to justify his or her consent as a condition of disinterment. This document also makes nonsubstantive changes for purposes of clarification.

DATES: This rule is effective November 3, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Greenberg, Program Analyst, or Mrs. Sonja McCombs, Program Analyst, Communications Division (402B1), National Cemetery System, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Telephone: 202-273-5179 or 202-273-5183 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: A document was published in the **Federal Register** on June 20, 1996 (61 FR 31479), which proposed to change the definition of immediate family members for purposes of disinterments to include a surviving spouse whether or not the spouse had remarried. The document also proposed to make certain nonsubstantive changes. No comments were received. Accordingly, based on the rationale set forth in the proposal and in this document, the proposed changes are adopted as a final rule without change.

Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this final rule concerning disinterments from national cemeteries (38 CFR 1.621) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. 3504(h)) and have been assigned OMB Control Number 2900-0365.

This collection of information included in 38 CFR 1.621 concerns an application for authority to disinter remains that must be submitted on VA Form 40-4970. The provisions of § 1.621 are amended to reflect that the written and notarized consent of a remarried surviving spouse is a prerequisite for a disinterment from a national cemetery.

OMB assigns control numbers to collections of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it

displays a currently valid OMB control number.

Regulatory Flexibility Act

The Secretary 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, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulation is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This certification can be made because the amendment does not affect any small entities. Only individual VA beneficiaries could be directly affected.

The final rule is not subject to OMB review pursuant to E.O. 12291.

(Catalog of Federal Domestic Assistance Number for programs affected by this regulation are 64.201 and 64.202)

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Cemeteries, Claims, Privacy, Security.

Approved: July 28, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 1.621, paragraph (c) is amended by removing the second sentence; paragraph (d) and the designation “[Reserved]” are removed; paragraph (e) is redesignated as paragraph (d); and paragraphs (a) and (b)(2) are revised to read as follows:

§ 1.621 Disinterments from national cemeteries.

(a) Interments of eligible decedents in national cemeteries are considered permanent and final. Disinterment will be permitted only for cogent reasons and with the prior written authorization of the National Cemetery Area Office Director or Cemetery Director responsible for the cemetery involved. Disinterment from a national cemetery will be approved only when all living immediate family members of the decedent, and the person who initiated the interment (whether or not he or she is a member of the immediate family), give their written consent, or when a court order or State instrumentality of competent jurisdiction directs the

disinterment. For purposes of this section, “immediate family members” are defined as surviving spouse, whether or not he or she is remarried; all adult children of the decedent; the appointed guardian(s) of minor children; and the appointed guardian(s) of the surviving spouse or of the adult child(ren) of the decedent. If the surviving spouse and all of the children of the decedent are deceased, the decedent’s parents will be considered “immediate family members.”

(b) * * *

(2) Notarized statement(s) by all living immediate family members of the decedent, and the person who initiated the interment (whether or not he or she is a member of the immediate family), that they consent to the proposed disinterment.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AI45

Survivors and Dependents Education: Extension of Eligibility Period

AGENCY: 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 restores provisions that govern the extension of the period eligible spouses and surviving spouses have to use Survivors’ and Dependents’ Educational Assistance (DEA).

EFFECTIVE DATE: October 3, 1997.

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

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on January 9, 1997 (62 FR 1303), VA proposed to amend the “Survivors’ and Dependents’ Educational Assistance Under 38 U.S.C. Chapter 35” regulations which are set forth in 38 CFR 21.3001 *et seq.* It was proposed to add to the regulations a definition and a rule concerning qualifying for an extension of time for a spouse or surviving spouse to use Survivor’s and Dependents’ Educational Assistance. Such an extension is permitted when she or he could not