

reporting on any delinquent penalty amount in the event of a failure to pay the penalty imposed.

§ 537.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the mailing of the written notice of the imposition of the penalty, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 537.801 Procedures.

For provisions relating to procedures, see subpart C of part 501 of this chapter.

§ 537.802 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 13047 or any further executive orders relating to the national emergency declared in Executive Order 13047 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 537.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget under the Paperwork Reduction Act of information collections relating to recordkeeping and reporting requirements, to licensing procedures pursuant to statements of licensing policy, and to other procedures, see § 501.901 of this chapter.

Dated: April 21, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: May 11, 1998.

James E. Johnson,

Assistant Secretary (Enforcement), Department of the Treasury.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-041]

RIN 2121-AA97

Safety Zone; Fleet Week Air/Sea Demonstrations, Hudson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Hudson River, rectangular in shape, perpendicular to the USS INTREPID, for air/sea demonstrations. The safety zone is in effect from 10:30 a.m. until 12:30 p.m. on May 22, 23, and 24, and from 2:30 p.m. until 4:30 p.m. on May 22, 23, 24 and 25, 1998. This action is necessary to provide for the safety of life on navigable waters in the event of aircraft problems developing during the demonstrations. It is intended to restrict vessel traffic in the Hudson River.

DATES: This rule is effective from 10:30 a.m. until 12:30 p.m. on May 22, 23, and 24, and from 2:30 p.m. until 4:30 p.m. on May 22, 23, 24 and 25, 1998.

ADDRESSES: Comments may be mailed to Commander (wob) (CGD01-98-041), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305-5005, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying in room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4195.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date that conclusive information for these events was received, there was insufficient time to draft and publish an NPRM. Any

delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with these air/sea demonstrations, which are intended for public entertainment.

Background and Purpose

The U.S. Marine Corps, Navy, and Coast Guard hold joint air/sea demonstrations in and over the Hudson River in the vicinity of the USS INTREPID Museum as a part of Fleet Week festivities. This regulation establishes a safety zone which includes those waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, outbound to a position at 40°46'10"N latitude, 074°00'13"W longitude (NAD 1983), south to a point at 40°45'54"N, 074°00'24"W (NAD 1983), then inbound to the northeast corner of Pier 83 where it intersects the seawall. The safety zone is in effect from 10:30 a.m. until 12:30 p.m. on May 22, 23, and 24, and from 2:30 p.m. until 4:30 p.m. on May 22, 23, 24 and 25, 1998. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect commercial and recreational traffic from the hazards associated with the turbulence generated by vertical take-off aircraft. Vessels moored at piers within the safety zone may remain moored for the duration of the safety zone; however, they will not be allowed to transit from their moorings without permission from the Captain of the Port, New York, during the effective periods of the safety zone.

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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the following: commercial and recreational vessels navigating the Hudson River can alter their route west of the affected area, commercial ferries will be allowed to transit to and from

their berths at Pier 83, Manhattan during the demonstration at the discretion of the Captain of the Port, and the extensive, advance notifications which will be made.

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 economic impact on 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 of less than 50,000.

For the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certified under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612, and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule 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 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

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; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add temporary section 165.T01-041 to read as follows:

§ 165.T01-041 Safety Zone; Fleet Week Air/Sea Demonstrations, Hudson River, New York.

(a) *Location.* The following area is a safety zone: those waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, outbound to a position at 40°46'10" N latitude, 074°100'13" W longitude (NAD 1983), south to a point at or near 40°45'54" N latitude, 074°00'24" W longitude (NAD 1983), then inbound to the northeast corner of Pier 83, Manhattan, where it intersects the seawall.

(b) *Effective period.* This section is in effect from 10:30 a.m. until 12:30 p.m. on May 22, 23, and 24, and from 2:30 p.m. until 4:30 p.m. on May 22, 23, 24 and 25, 1998.

(c) Regulations.

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 15, 1998.

Richard C. Vlaun,

Captain, U.S. Coast Guard Captain of the Port, New York.

[FR Doc. 98-13580 Filed 5-18-98; 4:49 pm]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AJ10

Veterans Education: Increase in Rates Payable for Cooperative Training Under the Montgomery GI Bill—Active Duty

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and educational

benefits regulations of the Department of Veterans Affairs (VA). The Veterans' Benefits Act of 1997 provided a new statutory formula for use in calculating the monthly rates of educational assistance payable under the Montgomery GI Bill—Active Duty to someone pursuing cooperative training. The new formula increases the monthly rates of educational assistance, effective from October 9, 1996, for veterans in cooperative training who were formerly eligible for assistance under the Veteran Era GI Bill. This final document amends the regulations to reflect the increased rates.

DATES: Effective Date: October 9, 1996

FOR FURTHER INFORMATION CONTACT:

William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, (202) 273-7187.

SUPPLEMENTARY INFORMATION: VA is amending the "ALL VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM (MONTGOMERY GI BILL—ACTIVE DUTY)" regulations set forth at 38 CFR Part 21, Subpart K. VA is required by statute to calculate the monthly rate of educational assistance payable to veterans and servicemembers training under the Montgomery GI Bill—Active Duty (MGIB). The calculation is based on statutory formulas.

Effective October 9, 1996, Pub. L. 105-114 changed the statutory formula used to determine the monthly rate of educational assistance under the MGIB payable to a veteran in cooperative training who was formerly eligible for assistance under the Vietnam Era GI Bill. This final rule revises the regulations containing the monthly rate of educational assistance payable to such a veteran to reflect the new statutory formula.

The changes set forth in this final rule are applied from the effective date of the statutory changes.

This final rule merely reflects statutory requirements and adjustments made based on the newly established formula. Accordingly, 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 Secretary of Veterans Affairs 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, 5 U.S.C. 601-612 and does not directly affect small entities. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility