

Imports, Information and informational materials, International organizations, North Korea, Reporting and recordkeeping requirements, Securities, Services, Travel restrictions, Trusts and estates, Vietnam.

For the reasons set forth in the preamble, 31 CFR part 500 is amended as follows:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for part 500 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

2. Section 500.578 is revised to read as follows:

§ 500.578 Vietnamese property unblocked.

All transactions otherwise prohibited by this part which involve property in which a designated national of Vietnam has an interest are authorized.

Dated: February 22, 1995.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 23, 1995.

John Berry,

Deputy Assistant Secretary (Enforcement).

[FR Doc. 95–5858 Filed 3–6–95; 4:52 pm]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AH09

Special Monthly Compensation Ratings

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

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations concerning the rate of special monthly compensation payable to a veteran with a totally disabling service-connected disability who either has additional service-connected disability ratable at 60 percent or is permanently housebound by reason of service-connected disability. This change is necessary because of a General Counsel precedent opinion which held that the regulation restricts eligibility in a manner not authorized by the statute. The intended effect of this amendment is to bring the regulation into conformity with the statute.

EFFECTIVE DATE: This final rule is effective March 9, 1995.

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: Special monthly compensation is a benefit established by Congress to be paid for specified disabilities independent of any other compensation authorized by Title 38 U.S.C. 1114(a)–(j). 38 U.S.C. 1114(s) provides for payment of special monthly compensation for a veteran who has a service-connected disability rated as total and (1) has additional service-connected disability or disabilities independently ratable at 60 percent or more, or (2) is permanently housebound by reason of a service-connected disability or disabilities. 38 CFR 3.350(i), the implementing regulation, provides that the special monthly compensation rate under 38 U.S.C. 1114(s) is payable where the veteran has a single service-connected disability rated as 100 percent “without resort to individual unemployability” and meets the other criteria.

In a precedent opinion dated February 2, 1994 (OGC Prec 2–94), VA’s General Counsel held that the plain and unambiguous language of 38 U.S.C. 1114(s) does not restrict the nature of total ratings that may serve as a basis for entitlement to the rate of special monthly compensation which section 1114(s) authorizes. Based on that holding, the General Counsel found that the portion of 38 CFR 3.350(i) which precludes eligibility if the service-connected disability rated as total is so rated due to individual unemployability is an unauthorized restriction.

The General Counsel has recommended that the regulation be revised. We are, therefore, revising the text of 38 CFR 3.350(i) to remove the unauthorized restriction.

VA is issuing a final rule to amend the provisions of 38 CFR 3.350(i). Publication of this amendment as a proposed rule is unnecessary because this notice merely amends 38 CFR 3.350(i) to conform to the terms of the governing statute.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA

beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.109.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Persons with disabilities, Pensions, Veterans.

Approved: November 23, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR Part 3 is amended as set forth below:

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.

2. The introductory text of paragraph 3.350(i) is amended by removing the phrase “without resort to individual unemployability”.

[FR Doc. 95–5761 Filed 3–8–95; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7121

[OR–943–1430–01; GP5–039; OR–19083]

Partial Revocation of Executive Order Dated November 24, 1916; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order insofar as it affects 2.50 acres of land withdrawn for the Bureau of Land Management’s Powersite Reserve No. 566. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through sale. This action will open the land to surface entry subject to temporary segregations of record. The land has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: April 10, 1995.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon/