

and Measuring Devices," 1994 Edition, October 1993, which is incorporated by reference. * * *

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PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

4. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451-470; 7 CFR 2.17, 2.55.

5. Section 381.121b is amended by revising the first sentence of paragraph (a) and adding a new paragraph (c) to read as follows:

§ 381.121b Definitions and procedures for determining net weight compliance.

(a) For the purpose of § 381.121b of this part, the reasonable variations allowed, definitions, and procedures to be used in determining net weight and net weight compliance are described in the National Institute of Standards and Technology (NIST) Handbook 133, "Checking the Net Contents of Packaged Goods," Third Edition, September 1988, and Supplements 1, 2, 3, and 4 dated September 1990, October 1991, October 1992, and October 1994, respectively, which are incorporated by reference, with the exception of the NIST Handbook 133 and Supplements 1 and 3 requirements listed in paragraphs (b) and (c) of this section. * * *

(b) * * *

(c) The following requirements of Supplement 1 dated September 1990, Supplement 3 dated October 1992, and Supplement 4 dated October 1994, of NIST Handbook 133 are not incorporated by reference.

Supplement 1

Chapter 2 General Considerations

- 2.13.1. Polyethylene Sheeting and Film
- 2.13.2. Textiles
- 2.13.3. Mulch

Chapter 3 Methods of Test for Packages Labeled by Weight

- 3.11.4. Exhausting the Aerosol Container

Chapter 4 Methods of Test for Packages Labeled by Volume

- 4.6.4. Method D: Determining the Net Contents of Compressed Gas in Cylinders
- 4.7. Milk
- 4.16. Fresh Oysters Labeled by Volume

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting

Supplement 3

Chapter 3 Methods of Test for Packages Labeled by Weight

- 3.17. Flour and Dry Pet Food

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting
- 5.5. Paper Plates
- 5.8. Baler Twine

Appendix A. Forms and Worksheets

Supplement 4

3.11 Aerosol Packages

- 3.11.1 Equipment
- 3.11.2 Preparation for Test
- 3.11.3 The Determination of Net Contents: Part 1
- 3.11.4 Exhausting the Aerosol Container
- 3.11.5 The Determination of Net Contents: Part 2

Appendix A. Report Forms

6. Section 381.121c(a) is amended by revising the second sentence to read as follows:

§ 381.121c Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) * * * Such scales shall meet the applicable requirements contained in National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices," 1994 Edition, October 1993, which is incorporated by reference. * * *

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Done at Washington, DC, on: February 14, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-4500 Filed 3-8-95; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 500

Foreign Assets Control Regulations; Unblocking of Vietnamese Assets

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: Pursuant to the claims settlement agreement entered into on January 28, 1995, between the Government of the United States and the Government of the Socialist

Republic of Vietnam, the Office of Foreign Assets Control is unblocking assets in which Vietnam or a national thereof has an interest, blocked pursuant to the Foreign Assets Control Regulations.

EFFECTIVE DATE: March 6, 1995.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing (tel.: 202/622-2480), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem dial 202/512-1387 or call 202/512-1530 for disks or paper copies. This file is available in Postscript, WordPerfect 5.1 and ASCII.

Background

On February 3, 1994, President Clinton lifted the trade embargo against Vietnam and authorized new financial and other transactions with Vietnam and its nationals. Property blocked as of February 3, 1994, because of an interest therein of Vietnam or its nationals, however, remained blocked pending a claims settlement agreement between the two countries. On January 28, 1995, an agreement was reached between the United States Government and the Government of the Socialist Republic of Vietnam, in which Vietnam agreed to pay \$208.5 million in settlement of outstanding U.S. private and government claims, and providing that the remaining Vietnamese property be unblocked. Accordingly, this rule amends the Foreign Assets Control Regulations, 31 CFR part 500 ("FACR"), to unblock assets held in the name of the Vietnamese Government or a national thereof on February 3, 1994.

Because the FACR involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601-612, does not apply.

List of Subjects in 31 CFR Part 500

Administrative practice and procedure, Banks, Banking, Blocking of assets, Cambodia, Exports, Fines and penalties, Finance, Foreign investment in the United States, Foreign trade,

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]

BILLING CODE 4810–25–F

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/