

rain date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: the limited duration of the event; the late hour of the event; the amount of traffic in this area is minimal; the event has been held annually for the past several years without incident or complaint; and the extensive, advance advisories that will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program under

the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For reasons set out 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. Section 165.161, is added to read as follows:

§ 165.161 Safety Zone; Annual "Fireworks on the Navesink" Fireworks Display, Navesink River, Red Bank, New Jersey.

(a) *Location.* All waters between the north and south shores of the Navesink River, including Red Bank Reach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey, at or near 40°21'20"N latitude, 074°04'10"W (NAD 1983). The safety zone is bound by the following points: 40°21'15"N latitude, 074°03'57"W longitude; to 40°21'43"N latitude, 074°03'57"W longitude; and 40°21'20"N latitude, 074°04'25"W longitude; to 40°21'30"N latitude, 074°04'25"W longitude (NAD 1983).

(b) *Effective period.* This section is in effect annually on the third of July, from 8 p.m. until 11 p.m., unless extended or terminated sooner by the Captain of the Port, New York. If the fireworks display is cancelled because of bad weather, this section is in effect on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(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: June 9, 1995.

T.H. Gilmour,

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

[FR Doc. 95-15225 Filed 6-20-95; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AG63

Dependents and Veterans Education: Mitigating Circumstances and Other Miscellaneous Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Vocational Rehabilitation and Education regulations to standardize the periods for submission of mitigating circumstances justifying a withdrawal from a course. Failure to submit mitigating circumstances within the prescribed time period could result in the creation of overpayments of educational assistance. This final rule applies to eligible persons receiving Dependents' Educational Assistance and veterans and servicemembers receiving educational assistance under the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) and the Montgomery GI Bill—Active Duty. This document also amends such regulations to remove attendance recordkeeping requirements for educational institutions that do not have attendance standards.

EFFECTIVE DATE: July 21, 1995.

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

SUPPLEMENTARY INFORMATION: The proposed rule was published in the **Federal Register** of June 24, 1994 (59 FR 32671). Interested persons were given 60 days to submit comments, suggestions or objections.

VA received one letter from a concerned individual. He urged the department to adopt the proposed rule. For the reasons stated in the proposal, VA is adopting the proposed rule as a final rule without any changes.

The Secretary of Veterans Affairs hereby certifies that these revised regulations 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. Pursuant to 5 U.S.C. 605(b), the revised regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Any cost savings for schools which will result from no longer having to maintain attendance records will not have a significant economic impact on such schools. Further, other amendments directly affect only individuals.

These regulations have been reviewed by OMB (the Office of Management and Budget) under provisions of E.O. 12866.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117, 64.120 and 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 29, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21, subparts D and K are amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

1. The authority citation for subpart D of part 21 continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. In § 21.4136, paragraph (k)(1)(ii)(C) is revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.*

(1) * * *

(ii) * * *

(C) The veteran submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

* * * * *

3. In § 21.4137, paragraph (h)(1)(ii)(C) is revised to read as follows:

§ 21.4137 Rates; educational assistance allowance—38 U.S.C. Chapter 35.

* * * * *

(h) *Mitigating circumstances.*

(1) * * *

(ii) * * *

(C) The eligible person submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the eligible person is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

* * * * *

§ 21.4234 [Amended]

4. In § 21.4234(d)(2)(iii), remove the phrase “§§ 21.4230 and 21.4231”, and add, in its place, the phrase “§ 21.4230”.

5. In § 21.4253, paragraph (d)(5) is revised and an authority citation is added for paragraph (d) to read as follows:

§ 21.4253 Accredited courses.

* * * * *

(d) *School qualification.* * * *

(5) If the school has a standard of attendance, it maintains records of attendance for veterans and eligible persons enrolled in resident courses which are adequate to show the student meets the school’s standard of attendance.

(Authority: 38 U.S.C. 3474, 3675)

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§ 21.4262 [Amended]

6. In § 21.4262(c)(10), remove the phrase “as by” and add, in its place, the phrase, “as approved by”.

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

7. The authority citation for subpart K of part 21 continues to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98-525; 38 U.S.C 501(a).

§ 21.7042 [Amended]

8. In § 21.7042(b)(9), remove the phrase “subparagraph (8) of this subparagraph”, and add, in its place, the phrase “paragraph (b)(8) of this section”.

9. In § 21.7042(d)(2)(i)(A), remove the phrase “paragraph (b)(b)” and add, in its place, the phrase “paragraph (b)”.

10. In § 21.7139, paragraphs (b)(2), introductory text, and (b)(2)(ii) are revised and paragraph (b)(2)(iii) is added to read as follows:

§ 21.7139 Conditions which result in reduced rates.

* * * * *

(b) *Withdrawals and nonpunitive grades.* * * *

(2) All of the following exist.

(i) * * *

(ii) The veteran or servicemember submits a description of the mitigating circumstances in writing to VA within one year from the date VA notifies the veteran or servicemember that he or she must submit a description of the mitigating circumstances, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(iii) The veteran or servicemember submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

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POSTAL SERVICE

39 CFR Part 241

Discontinuance of Post Offices

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This amendment reflects the current approval authority for post office discontinuance proposals.

EFFECTIVE DATE: June 21, 1995.

FOR FURTHER INFORMATION CONTACT: Kimberly Matalik, (202) 268-3500.

SUPPLEMENTARY INFORMATION: The Postal Service has recently undertaken further refinements to its management structure. Consistent with earlier, more comprehensive, restructuring efforts, this has resulted in the rearrangement of internal functional responsibilities, but does not involve changes in rules or procedures that would adversely affect a member of the public (see 57 FR 49200, October 30, 1992).

As a result of these changes, the chief marketing officer/senior vice president is responsible for reviewing and approving post office discontinuance proposals.