

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 because of the event's short duration.

Federalism Assessment

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

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C of Commandant Instruction M16475.1B, (as revised by 59 FR 38654; July 29, 1994) this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35.T02–062 is added, to read as follows:

§ 100.35–T02–062 Ohio River near Cincinnati, Ohio.

(a) *Regulated area.* Ohio River mile 467.0 to 474.0.

(b) *Special local regulations.* (1) Except for official regatta vessels and patrol craft no person or vessel may enter or remain in the regulated area without permission of the Patrol Commander.

(2) The Coast Guard Patrol Commander will be a commissioned or petty officer designated by the Commanding Officer, Marine Safety Office Louisville, Kentucky and may be contacted, during the event, on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." The Patrol Commander may:

(i) Direct the anchoring, mooring, or movement of any vessel within the regulated area,

(ii) Restrict vessel operation within the regulated area to vessels having particular operating characteristics,

(iii) Terminate the marine event or the operation of any vessel when necessary for the protection of life and property, and

(iv) Allow vessels to transit the regulated area whenever an event is not being conducted and the transit can be completed.

(3) Coast Guard commissioned or petty officers will patrol the event on board patrol vessels which display the Coast Guard Ensign. If radio or other voice communications are not available to communicate with a vessel, they will use a series of sharp, short blasts by whistle or horn to signal the operator of any vessel in the vicinity of the regulated area to stop. When signaled, the operator of any vessel in the immediate vicinity of the regulated area shall stop the vessel immediately and shall proceed as directed.

(4) Vessels desiring to transit the regulated area may do so only with the prior approval and direction of the Patrol Commander.

(5) The Patrol Commander will terminate enforcement of this section at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective Dates.* This section becomes effective from 6 a.m. to 2:30 a.m. local time on October 11–14, 1995 and from 6 a.m. to midnight on October 15, 1995.

Dated: September 6, 1995.

Paul M. Blayney,
Rear Admiral, U.S. Coast Guard, Commander,
Second Coast Guard District.

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33 CFR Part 117

[CGD07–94–087]

RIN 2115–AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the State Road 100 bridge, mile 810.6, at Flagler Beach by permitting the number of openings to be limited during certain periods. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536–4103.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Walt Paskowsky, Project Manager, and LTJG Julia Diaz, Project Counsel.

Regulatory History

On December 15, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations, Atlantic Intracoastal Waterway, FL in the Federal Register (59 FR 8428). The Coast Guard received no comments on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The bridge presently opens on signal. The City of Flagler Beach be opened only on the hour to ease vehicle congestion. The bridge owner, the Florida Department of Transportation, requested openings on the hour and half hour. A Coast Guard analysis of highway traffic completed on July 8, 1994 showed that the normally light highway traffic is affected by significant increases in bridge openings during the fall and spring vessel migrations. During these periods the drawbridge may open as many as 5 times per hour which does not allow the waiting traffic to disperse before the next opening. This action will reduce the number of back-to-back openings to reduce the impact to vehicular traffic. Holding conditions near the bridge are considered adequate for vessels to safely maneuver while awaiting the next bridge opening.

Discussion of Comments and Changes

No comments were received. The final rule is therefore unchanged from the proposed rule published on November 28, 1994. Since no comments were received, and the new bridge opening schedule applies to the fall vessel migration period, which began October 1, this rule will reduce the burden on the bridge owner if it is made effective for the remainder of this period. Therefore, under 5 U.S.C. 553(b), good cause exists to make this rule effective immediately upon publication.

Regulatory Evaluation

This 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 been exempted from review 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 minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979) is unnecessary. We conclude this because the rule exempts tugs with tows.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule 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). Since the rule exempts tugs with tows, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this final rule will not have a significant economic 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

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32) of Commandant Instruction M16475.1B., promulgation of operating requirements for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued

under the authority of Pub.L. 102-587, 106 Stat. 5039.

2. Section 117.261 is amended by redesignating paragraphs (e) and (f) as paragraphs (f) and (g) and adding a new paragraph (e) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo.

* * * * *

(e) Flagler Beach bridge, (SR 100), mile 810.6 at Flagler Beach. The draw shall open on signal; except that, from April 1 to May 31, and October 1 to November 30, from 7 a.m. to 6 p.m. daily, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

* * * * *

Dated: September 8, 1995.

Roger T. Rufe, Jr.,

*Rear Admiral, U.S. Coast Guard Commander,
Seventh Coast Guard District.*

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AG94

Waiver of Erroneous Payments of Pay and Allowances

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

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations concerning consideration of waiver of claims arising from erroneous payments to employees of pay and allowances, and travel, transportation, and relocation expenses and allowances. The VA's standards for such waivers under 5 U.S.C. 5584 are deleted as unnecessary because such waivers must be made in accordance with standards prescribed by the Comptroller General. This document also provides that members of VA regional office Committees on Waivers and Compromises are delegated all authority granted the Secretary under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92 to grant waiver in whole or in part of a claim aggregating not more than \$1,500; to recommend approval of waiver in whole or in part of a claim aggregating more than \$1,500; and to deny waiver of a claim for any amount. In addition, this document deletes an unnecessary delegation of authority and makes nonsubstantive changes.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Peter Mulhern, Debt Management Policy

Division (047G7), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, (202) 273-5570.

SUPPLEMENTARY INFORMATION: This document amends VA regulations in 38 CFR part 1 concerning waiver under 5 U.S.C. 5584 of claims of the United States arising out of erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of VA employees. Such claims may be waived in whole or in part when collection would be against equity and good conscience and not in the best interests of the United States.

5 U.S.C. 5584 provides that waivers thereunder may be made only "in accordance with standards * * * prescribed by the Comptroller General." Prior to the effective date of this document, VA regulations in 38 CFR 1.955-1.970 set forth VA's own standards for such waivers. Because such waivers must be made in accordance with Comptroller General standards, the VA standards covering the same subject matter are unnecessary and are deleted by this document. The Comptroller General standards are prescribed in regulations of the General Accounting Office (GAO) in 4 CFR Parts 91 and 92.

Previously, the amount of aggregate debt that an agency could waive in whole or in part was limited to \$500, but an amendment to 5 U.S.C. 5584 increased the amount of aggregate debt that may be waived to \$1500. Under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92, waiver actions are permitted to be made by the agency head or his or her designees. Prior to the effective date of this document, VA regulations delegated waiver action authority under 5 U.S.C. 5584 to members of regional office Committees on Waivers and Compromises who were assigned under criteria set forth in 38 CFR 1.955 (e)(1) and (e)(2). This document delegates authority to assigned members to grant waiver in whole or in part of debts aggregating to the full \$1500 amount. Consistent with the GAO regulations, the members are also delegated authority to recommend to GAO waiver in whole or in part of debts aggregating in excess of \$1500 and to deny waiver of debts of any amount.

Prior to this document, VA regulations also authorized the Chief Benefits Director to make waiver determinations and to establish an ad hoc board to do so. This document removes this delegation of authority with respect to waiver determinations