

Flexibility Act, no further analysis is required.

IV. Effective Date

As this rule recognizes an exemption from the food additive definition in the Federal Food, Drug, and Cosmetic Act, and from the approval requirements applicable to food additives, no delay in effective date is required by the Administrative Procedure Act (5 U.S.C. 553(d)). The rule will therefore be effective immediately (5 U.S.C. 553(d)(1)).

List of Subjects in 21 CFR Part 184

Food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. New § 184.1012 is added to subpart B to read as follows:

§ 184.1012 α -Amylase enzyme preparation from *Bacillus stearothermophilus*.

(a) α -Amylase enzyme preparation is obtained from the culture filtrate that results from a pure culture fermentation of a nonpathogenic and nontoxicogenic strain of *Bacillus stearothermophilus*. Its characterizing enzyme activity is α -amylase (1,4 α -D glucan glucanohydrolase (E.C. 3.2.1.1)).

(b) The ingredient meets the general and additional requirements for enzyme preparations in the "Food Chemicals Codex," 3d ed. (1981), pp. 107-110, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of Premarket Approval (HFS-200), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 1110 Vermont Ave. NW., suite 1200, Washington, DC, or the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good

manufacturing practices. The affirmation of this ingredient as GRAS as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an enzyme, as defined in § 170.3(o)(9) of this chapter, in the hydrolysis of edible starch to produce maltodextrins and nutritive carbohydrate sweeteners.

(2) The ingredient is used at levels not to exceed current good manufacturing practices.

Dated: October 19, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95-27240 Filed 11-2-95; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Chapter I and Parts 1, 7, 9, 14, 20 and 64

RIN 1024-AC37

General Provisions, Definitions: Change in Organizational Title From Regional Director to Field Director

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is amending the General Provisions Definition of "Regional Director" to reflect a new organizational structure. With the recent reorganization of the NPS eliminating existing geographic regions (effective May 15, 1995), the term Regional Director is no longer an agency job position. The duties and responsibilities of these positions have been assumed by Field Directors. This amendment to the definition will replace the term Regional Director with Field Director wherever it appears in 36 CFR parts 1-199, as well as eliminate all reference to the former geographic regions.

This change is necessary because the terms Region and Regional Director are no longer recognized in the NPS reorganizational structure. Certain responsibilities and delegations of authority associated with the former Regional Directors are now assumed by the positions identified by the term Field Director. Publication of this change is also a requirement of the Federal Register Act (44 U.S.C. Chapter 15).

EFFECTIVE DATE: This rule is effective November 3, 1995.

ADDRESSES: Comments should be addressed to: Dennis Burnett, National Park Service, Ranger Activities Division, P.O. Box 37127, Washington, D.C. 20013-7127.

FOR FURTHER INFORMATION CONTACT: Dennis Burnett, Ranger Activities Division, at the above address. Telephone (202) 208-4874.

SUPPLEMENTARY INFORMATION:

Background

The National Park System of the United States comprises 368 areas covering over 80 million acres in 49 States, the District of Columbia, American Samoa, Guam, Puerto Rico, Saipan and the Virgin Islands. These areas of national significance justify special recognition and protection in accordance with various acts of Congress.

In an Act signed on August 25, 1916, Congress established in the Department of the Interior the National Park Service to provide cohesive administration of those federal parklands under the Department of the Interior's jurisdiction. This new agency assumed the responsibility for the management of 29 park units that had previously been designated by Congress. An Executive Order in 1933 transferred 63 national monuments and military sites from the Forest Service and the War Department to the NPS. With this rapid increase in the number of units entering the system, the NPS determined that an expanded management system was necessary to properly administer the parks.

In August of 1937, the NPS initiated the geographical concept of Regional Offices administered by Regional Directors by establishing four (4) Regional Offices: Region One in Richmond, VA; Region Two in Omaha, NE; Region Three in Santa Fe, NM; and Region Four in San Francisco. These four original regional offices provided assistance in the management and administration of the parks in their regions from 1937 until 1955 when Region Five was established in Philadelphia, PA. National Capital Parks became Region Six on January 22, 1962. Also in 1962, Region One was renamed Southeast Region and on January 9, 1972, the headquarters moved from Richmond to Atlanta, GA. A seventh regional office, Northwest Region, was added on December 30, 1969, in Seattle, WA. Region Eight, North Atlantic Region, was established on January 6, 1974, in Boston, MA. Region Nine, Rocky Mountain Region, was established on November 30, 1973, in Denver, CO. The tenth and final region,

Alaska Region, was added on December 2, 1980, in Anchorage, AK.

As a result of: (1) The NPS's own assessment of a need to change how it accomplished its essential work with increasing constraints; (2) the National Performance Review (NPR) which directed Federal agencies to cut red tape, put customers first, empower employees to get results and reduce layers in organizations; and (3) The Federal Workforce Restructuring Act of 1994 (P.L. 103-226), a government-wide workforce reduction, the NPS implemented a Servicewide restructuring of the organization. The reorganization effort drastically reduces central office staffs. The 10 NPS Regional Directors have been replaced by 7 Field Directors, who provide direction, oversight, budget formulation and assistance in media relations for the parks and support offices in their geographical field areas. With the change and revision of the regional concept, all national park units are now grouped into clusters to act collaboratively in sharing limited resources. A network of 16 system support offices provide services and support to the parks by cluster.

The President of the United States, through the Secretary of the Interior and the Director of the NPS allowed the Regional Directors of the ten Regional Offices certain delegated authorities in the management of the park units. 36 CFR Parts 1-199 contains many of these authorities. Because the term Regional Director is codified in the CFR, the definition of Regional Director must be replaced to reflect the new authorities now found in Field Directors as a result of the reorganization. Many of these authorities have the enforcement powers of law.

The NPS is adopting this final rule pursuant to the "agency organization" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(A)) from general notice and comment rulemaking. The NPS believes that this exception from rulemaking procedures is warranted because it is merely a change in agency organizational structure. The NPS finds that notice and comment are unnecessary and contrary to the public interest for this final rule.

The NPS has also determined, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), that the publishing of this final rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay would be contrary to the public interest and the interest of the agency. Therefore, under the "good cause" exception of the

Administrative Procedure Act (5 U.S.C. 553(d)(3)), it has been determined that this rulemaking is exempted from the 30-day delay in the effective date and shall therefore become effective on the date published in the Federal Register.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this rule to the address noted at the beginning of this rulemaking.

Drafting Information. The primary author of this rule is Dennis Burnett of the Washington Office of Ranger Activities.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are negligible.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

- (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
- (b) introduce incompatible uses which compromise the nature and characteristics of the area or cause physical damage to it;
- (c) conflict with adjacent ownership or land uses; or
- (d) cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects

36 CFR Part 1

National parks, Reporting and recordkeeping requirements.

36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

36 CFR Part 9

Environmental protection, Mines, National parks, Oil and gas exploration, Public lands—mineral resources, Public lands—rights-of-way.

36 CFR Part 14

Electric power, Highways and roads, National parks, Public lands—rights-of-way.

36 CFR Part 20

Isle Royale National Park, Commercial fishing.

36 CFR Part 64

Grants and allocations for recreations and conservation use of abandoned railroad—rights-of-way.

In consideration of the foregoing, and under the authority at 18 U.S.C. 1 and 3, 36 CFR Chapter I is amended as follows:

1. 36 CFR Chapter I is amended by removing the term "Regional Director" and inserting the term "Field Director" in its place each time it appears.

PART 1—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 1, 3, 9a, 460 l-6a(e), 462(k); D.C. Code 8-137, 40-721 (1981).

3. Section 1.4 is amended in paragraph (a) by removing the definition of "Regional Director" and adding a new definition of "Field Director", in alphabetical order, to read as follows:

§ 1.4 Definitions.

* * * * *

(a) * * *

Field Director means the official in charge of a geographic area of the National Park Service.

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PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

4. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 80-137 (1981) and D.C. Code 40-721 (1981).

5. The Alphabetical listing of the national park units in part 7 is amended in the entry for § 7.96 by removing the words "Region Parks" and adding the word "Area" in its place.

§ 7.3 [Amended]

6. Section 7.3(b)(6) is amended by removing the words "Midwest Region," in the first sentence.

§ 7.16 [Amended]

7. Section 7.16(h)(5) is amended by removing the words "Region Four" in the first sentence, and;

8. Section 7.16(j)(4) is amended by removing the words "Western Region," in the second sentence.

§ 7.22 [Amended]

9. Section 7.22(c)(10) is amended by removing the words "Region Two" in the first sentence.

§ 7.63 [Amended]

10. Section 7.63(b)(10) is amended by removing the words "Region Two" in the first sentence.

§ 7.96 [Amended]

11. Section 7.96 is amended by changing the word "Region" in the section heading to "Area" and removing the word "parks", and;

12. Section 7.96(a) is amended by changing the word "Region" to "Area" in the first sentence, and;

13. Section 7.96(g)(1)(iii) is amended by changing the word "Region" to "Area" in the first sentence, and;

14. Section 7.96(g)(1)(viii) is amended by changing the word "Region" to "Area" in the first sentence, and;

15. Section 7.96(g)(1)(ix) is amended by changing the word "Region" to "Area" in the first sentence, and;

16. Section 7.96(g)(3) introductory text is amended by changing the word "Region" to "Area" in the first sentence, and;

17. Section 7.96(g)(5)(vi)(A) is amended by changing the word "Region" to "Area" in the first sentence, and;

18. Section 7.96(g)(5)(vi)(D) is amended by changing the word "Region" to "Area" and removing the word "areas" in the first sentence, and;

19. Section 7.96(g)(5)(xiv) is amended by changing the word "Region" to "Area" in the first sentence.

PART 9—MINERALS MANAGEMENT

20. The authority citation for part 9 continues to read as follows:

Authority: Mining Law of 1872 (R.S. 2319; 30 U.S.C. 21 *et seq.*); Act of August 25, 1916 (39 Stat. 535, as amended (16 U.S.C. 1 *et seq.*); Act of September 28, 1976; 90 Stat. 1342 (16 U.S.C. 1901 *et seq.*).

§ 9.2 [Amended]

21. Section 9.2(l) is amended by changing the word "region" to "area" in the first sentence, and;

§ 9.31 [Amended]

22. Section 9.31(j) is amended by changing the word "region" to "area" in the first sentence, and;

§ 9.82 [Amended]

23. Section 9.82(d) is amended by changing the word "Regional" to "Area" in the first sentence.

PART 14—RIGHTS-OF-WAY

24. The authority citation for part 14 continues to read as follows:

Authority: 16 U.S.C. 5, 79; 23 U.S.C. 317.

§ 14.2 [Amended]

25. Section 14.2 is amended by removing paragraph (c) and redesignating paragraphs (d) through (i) as paragraphs (c) through (h).

PART 20—ISLE ROYALE NATIONAL PARK; COMMERCIAL FISHING

26. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 1–3, 39 Stat. 535, as amended, sec. 3, 56 Stat. 133, secs 1, 2, 67 Stat. 495; 16 U.S.C. 1, 1b, 1c 2, 3, 408(k).

§ 20.1 [Amended]

27. Section 20.1(c) is amended by replacing the words "Region Two" with the words "of the area" and adding the words "where the unit is located" after "National Park Service", in the first sentence.

PART 64—GRANTS AND ALLOCATIONS FOR RECREATION AND CONSERVATION USE OF ABANDONED RAILROAD RIGHTS-OF-WAY

28. The authority citation for Part 64 continues to read as follows:

Authority: Sec. 809(B) (2) and (3), 90 Stat. 145, Pub. L. 94–210; Sec. 2 of Reorganization Plan No. 3 of 1950 (34 Stat. 1262).

§ 64.7 [Amended]

29. Section 64.7(c) is amended by removing the words "Bureau of Outdoor Recreation" in the first sentence.

Dated: September 12, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–27148 Filed 11–2–95; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 3**

RIN 2900–AH10

Determinations of Incompetency and Competency

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning determinations of mental incompetency to make clear that only rating boards are authorized to make determinations of incompetency for purposes of VA benefits and VA insurance.

EFFECTIVE DATE: This amendment is effective November 3, 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: On May 4, 1995, VA published in the Federal Register (60 FR 22016) a proposed rule intended to clarify that rating agencies have sole authority to make determinations of competency and incompetency for purposes of insurance and payment of VA benefits. Interested parties were invited to submit written comments on or before July 3, 1995. We received no comments.

Based on the rationale set forth in the proposed rule and this document, the provisions of the proposed rule are adopted as a final rule with nonsubstantive changes to paragraph (b)(1) of § 3.353. These changes clarify that VA determinations of competency or incompetency affect only VA benefits, i.e., insurance, discontinuance and payment of amounts withheld because of an estate in excess of \$1,500, and disbursement of benefits. This will ensure that this paragraph would not be interpreted to concern such things as the ability of the veteran to provide informed consent for medical treatment, or the ability of VA physicians and other VA medical professionals to determine a patient's mental capacity in support of guardianship and conservatorship petitions in state courts.

The Secretary 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. This amendment will directly affect VA beneficiaries but