

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" may include: (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and, (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed in the regulatory evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under Section 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 final rule does not provide for collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that, under Figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard amend 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), 6.04-6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.

2. Add temporary section 165.T01-062 to read as follows:

§ 165.T01-062 Safety Zone; Marblehead, MA to Halifax, Nova Scotia Ocean Race.

(a) *Location.* This safety zone includes the area delineated by the following coordinates: beginning at the northeast corner located at 42-29.066N 70-48.361 W, then to the southeast corner located at 42-28.594N 70-48.665W, then to the southwest corner located at 42-28.446N 70-49.535W, and then to the northwest corner located at 42-28.852N 70-49.206W. All coordinates are NAD 1983.

(b) *Effective date.* This safety zone is effective from 12:00 p.m. to 3:30 p.m. on Sunday, July 11, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Boston.

(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. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The general regulations contained in section 33 CFR 165.23 apply.

Dated: May 25, 1999.

J.L. Grenier,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Chapter I

RIN 2900-AJ79

National Cemetery Administration; Title Changes

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

SUMMARY: Public Law 105-368 changed the name of the National Cemetery System to the National Cemetery Administration and changed the title of the Director, National Cemetery System to the Under Secretary for Memorial Affairs. This document amends 38 CFR chapter I to reflect these changes.

DATES: Effective Date: June 7, 1999.

FOR FURTHER INFORMATION CONTACT: Sonja McCombs, Program Analyst, Communications and Regulatory

Division (402B1), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Telephone: 202-273-5183 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This document makes only nonsubstantive changes. Accordingly, under 5 U.S.C. 553, there is a basis for dispensing with prior notice-and-comment provisions and delayed effective date provisions.

The Secretary of Veterans Affairs hereby certifies that the adoption of this final rule would 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 document makes only nonsubstantive changes. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the regulatory flexibility analysis requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance Program numbers for programs affected by this final rule are 64.201, 64.202, and 64.203.

Approved: May 27, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

Under the authority of Public Law 105-368 as explained in the preamble, 38 CFR chapter I is amended as follows:

CHAPTER I—DEPARTMENT OF VETERANS AFFAIRS

1. In chapter I, revise all references to "Director, National Cemetery System" to read "Under Secretary for Memorial Affairs".

2. In chapter I, revise all references to "National Cemetery System" to read "National Cemetery Administration".

3. In chapter I, revise all references to "Director, National Cemetery System" to read "Under Secretary for Memorial Affairs".

4. In chapter I, revise all references to "Director, National Cemetery Service" to read "Under Secretary for Memorial Affairs".

[FR Doc. 99-14372 Filed 6-4-99; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AJ53

Reinstatement of Benefits Eligibility Based Upon Terminated Marital Relationships

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

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations to state that the remarried surviving spouse of a veteran is not barred from receiving dependency and indemnity compensation if the remarriage is terminated by death, divorce, or annulment, unless the divorce or annulment was secured through fraud or collusion. This document further amends the regulations to permit the receipt of dependency and indemnity compensation by a surviving spouse who has lived with another person and held himself or herself out openly to the public as that other person's spouse, if the surviving spouse ceases living with that other person and holding himself or herself out openly to the public as that other person's spouse. This amendment is necessary to conform the regulations to a recent statutory change.

DATES: Effective Date: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Warren Jones, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7167.

SUPPLEMENTARY INFORMATION: A surviving spouse of a veteran must be unmarried to receive VA benefits. The law regarding the eligibility for benefits of a surviving spouse of a veteran who remarries after the veteran's death and whose remarriage later terminates has changed several times in recent years.

Prior to January 1, 1971, remarriage of a surviving spouse of a deceased veteran was a bar to benefits unless that remarriage was void or annulled. Pub. L. 91-376 amended 38 U.S.C. 103(d) by adding subsections 103(d)(2) and (d)(3) to permit the payment or resumption of payment of benefits to a surviving spouse whose remarriage was terminated by death or divorce, or who ceased living with another person and holding himself or herself out openly to the public as that person's spouse.

The Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508, deleted 38 U.S.C. 103(d)(2) and (d)(3). The effect of this change was to eliminate VA's authority, effective November 1, 1990, to reinstate entitlement to death benefits for a surviving spouse who had remarried after the veteran's death unless the marriage was void or annulled, or to reinstate entitlement to death benefits for a surviving spouse who ceased living with another person and holding himself or herself out openly to the public as that person's spouse.

Section 8207 of the Transportation Equity Act for the 21st Century, Pub. L. 105-178, amended 38 U.S.C. 1311, effective October 1, 1998, to reinstate eligibility for only dependency and indemnity compensation to a surviving spouse of a veteran whose remarriage is terminated by death, divorce, or annulment unless VA determines that the divorce or annulment was secured through fraud or collusion. Additionally, Pub. L. 105-178 reinstates eligibility for dependency and indemnity compensation to a surviving spouse of a veteran who ceases living with another person and holding himself or herself out openly to the public as that person's spouse. This document amends 38 CFR 3.55 accordingly.

This final rule reflects statutory requirements. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Even so, the Secretary hereby 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.

The Catalog of Federal Domestic Assistance program number is 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: April 14, 1999.

Togo D. West, Jr.,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

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. In § 3.55, paragraphs (a)(3) and (a)(4) are redesignated as paragraphs (a)(4) and (a)(6), respectively, and new paragraphs (a)(3) and (a)(5) are added to read as follows:

§ 3.55 Reinstatement of benefits eligibility based upon terminated marital relationships.

* * * * *

(a) * * *
(3) On or after October 1, 1998, remarriage of a surviving spouse terminated by death, divorce, or annulment, will not bar the furnishing of dependency and indemnity compensation, unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

(Authority: 38 U.S.C. 1311(e))

* * * * *

(5) On or after October 1, 1998, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person will not bar the furnishing of dependency and indemnity compensation to the surviving spouse if he or she ceases living with such other person and holding himself or herself out openly to the public as such other person's spouse.

(Authority: 38 U.S.C. 1311(e))

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FEDERAL MARITIME COMMISSION

46 CFR Part 551

[Docket No. 96-20]

Port Restrictions and Requirements in the United States/Japan Trade

AGENCY: Federal Maritime Commission.
ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is requiring U.S. and Japanese ocean common carriers in the U.S.-Japan trade to provide reports addressing the status of efforts to reform conditions unfavorable to shipping in the U.S.-Japan trade. Areas for reporting include reform of the "prior consultation" system for pre-approving carriers' service changes in Japan; entry of non-Japanese carriers into Japan's harbor services market; and Government of Japan proposals for broader harbor services deregulation. As marketplace developments have overtaken the findings in the currently suspended final rule in this proceeding in certain respects, the Commission has determined to remove that final rule.

DATES: The removal of § 551.2 is effective June 7, 1999. Reports are due August 26, 1999, and every 180 days thereafter.