

on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff. In addition, for the Fair Market Rents most recently promulgated by the Department [see 51 FR 28486, August 7, 1986], these rents reflected the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

As further explained in the proposed notice, this action revises the entire Fair Market Rent schedule for the Orange County, New York market area. According to the June 29, 1987 notice,

The 1986 FMRs reflected data submitted by the New York Regional Office (NYRO), as well as the cost containment efforts implemented for all 1986 New Construction and Substantial Rehabilitation rents. While the data submitted by the field office was proper, it reflected comparables all built during the 1970s, because there has been no construction of modestly designed rental housing in Orange County for the past several years. HUD's procedures, which are consistent with sound appraisal practices, permit the use of such comparables, which are then adjusted for all variables, including age. Further, where comparables do not exist, HUD procedures permit the use of an interpolation technique to arrive at indicated FMRs. Although the use of interpolation and adjustments to establish rents are sound principles and techniques, the best data for "market rents" would be that from recently constructed projects, as it would necessarily reflect current conditions in the marketplace with respect to financing, vacancy rates, etc., and would provide a degree of assurance that rents so derived should be adequate to support new projects, all factors being equal.

[A]nalysis of the 1986 FMRs for the [Orange County] market area indicate[s] that the rents resulting from the application of the aforementioned techniques, when modified to reflect the Department's cost containment policies, are not adequate, even where it is clear that there has been compliance with the Department's cost containment guidelines with respect to project design. Therefore, an upward adjustment of FMRs for this market area is needed. . . .

Public Comments

The proposed notice of June 29, 1987 (52 FR 24172) invited comments from the public on the proposal to adjust the FMRs in Orange County. One comment was received. The commenter claimed that the "proposed rents would not support [its] project." The commenter, however, offered no data to support its assertion. In light of this comment, the Department wishes to point out that since the FMRs principally reflect building costs and rentals as a whole in a given market or jurisdiction, not the costs associated with building a particular project or the rentals necessary to service the debt on that

project, the Department could not properly change the FMRs to accommodate the higher rentals that the commenter's project may demand.

Accordingly, the Department is adopting the same FMR schedule published in the notice of June 29, 1987.

Other Information

HUD regulations in 24 CFR Part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities, and programs specified in § 50.20. Since the FMRs adopted in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Income Housing Assistance Program (Section 8).

Accordingly, the following new Fair Market Rent schedule is adopted for the Orange County, New York market area:

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies' Programs)

REGION 2—NEW YORK REGIONAL OFFICE MARKET: ORANGE

Structure Type	Number of bedrooms				
	0	1	2	3	4
Detached.....			757	859	931
Semi-Detached Row.....	529	572	684	815	892
Walkup.....	466	534	649	762	843
Elevator 2-4 STY.....	623	674	852		
Elevator 5+ STY.....	669	766	935		

Date: September 8, 1987.

James E. Schoenberger,
General Deputy Assistant Secretary for
Housing—Federal Housing Commissioner.

[FR Doc. 87-21386 Filed 9-15-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Cleveland Regulation 87-01]

Safety Zone Regulations; Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing seven safety zones in the

Cuyahoga River and the adjoining shore area. The zones are needed to protect life and property associated with moored, standing or anchored vessels from a safety hazard arising from the transit of vessels over 1600 gross tons. Entry into these zones is generally prohibited unless authorized by the Coast Guard Captain of the Port, Cleveland, OH. However, vessels may transit, but not moor, stand or anchor in, these zones as necessary to comply with the Inland Navigation Rules or otherwise facilitate safe navigation.

EFFECTIVE DATES: This regulation becomes effective on September 3, 1987. It terminates on December 31, 1987 unless sooner terminated by the Captain of the Port, Cleveland.

ADDRESS: Comments should be mailed to Commanding Officer, Marine Safety Office, 1055 East Ninth Street, Cleveland, OH 44114. The comments will be available for inspection and copying at the same location. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Cdr. John H. Distin, Captain of the Port, (216) 522-4406.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent further damage to the vessels involved or further injury to the people involved.

Although this regulation is published as an emergency final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are Cdr. John H. Distin, the Captain of the Port, Cleveland, and Lcdr. Carl V. Mosebach, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulation

The circumstance requiring this regulation results from large vessels (lakers) transiting the Cuyahoga River an average of twice a day through areas used increasingly by a large number of small, mainly recreational vessels. A pattern of collisions between large, underway vessels and small vessels located on the insides of bends in the river has been identified. On August 31, 1987, one such collision resulted in severe damage to two recreational boats, one of which had persons on board.

Seven areas are considered to present the greatest danger to life and property based on collisions that have occurred or are likely to occur. Those areas are in the vicinity of the river bends by Shooters, Nautica Stage, Columbus Road bridge, Upriver Marina and Riverfront Yacht Services. Preventing mooring, standing or anchoring of vessels in these areas will decrease danger to lives and property.

This regulation is issued pursuant of 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T0901 is added to read as follows:

§ 165.T0901 Cuyahoga River, Cleveland, Ohio—Safety zones.

(a) *Location.* The waters of the Cuyahoga River extending ten (10) feet into the river at the following seven (7) locations, including the adjacent shorelines, are safety zones:

(1) From the western end of Shooter's dock to fifty (50) feet east of 41 degrees 29'55.1" N., 81 degrees 42'27.6" W. which is the north point of the pier at Shooter's Restaurant.

(2) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41 degrees 29'48.9" N., 81 degrees 42'10.7" W. which is the knuckle toward the downriver corner of the Nautica stage.

(3) Ten (10) feet downriver to ten (10) feet upriver of 41 degrees 29'45.5" N., 81

degrees 42'9.7" W. which is the knuckle toward the upriver corner of the Nautica stage.

(4) The fender on the west bank of the river at 41 degrees 29'45.2" N., 81 degrees 42'10" W. which is the knuckle at Bascule Bridge (railroad).

(5) The two hundred seventy (270) foot area on the east bank of the river between the Columbus Road bridge (41 degrees 29'18.8" N., 81 degrees 42'02.3" W.) to the chain link fence at the upriver end of Commodore's Club Marina.

(6) Fifty (50) feet downriver to twenty-five (25) feet upriver from 41 degrees 29'24.5" N., 81 degrees 41'57.2" W. which is the knuckle at the Upriver Marina fuel pump.

(7) Twenty-five (25) feet downriver to twenty-five (25) feet upriver from 41 degrees 29'41" N., 81 degrees 41'38.6" W. which is the end of the chain link fence between Jim's Steak House and Riverfront Yacht Services.

(b) *Effective Date:* This regulation becomes effective on September 3, 1987. It terminates on December 31, 1987 unless sooner terminated by the Captain of the Port.

(c) *Regulations—(1) General rule.* Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in § 165.23 of this part.

(2) *Exception.* Vessels may transit, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation.

(3) *Waivers.* Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain of the Port, Cleveland. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 gross tons (GT) or greater are not navigating in the proximate area. Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in a safety zone upon the approach of a vessel(s) 1600 GT or greater.

Dated: September 3, 1987.

John H. Distin,
Commander, U.S. Coast Guard, Captain of the Port, Cleveland, OH.

[FR Doc. 87-21096 Filed 9-15-87; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Removal of Monetary Rates

AGENCY: Veterans Administration.

ACTION: Final regulatory amendments.

SUMMARY: The Veterans Administration (VA) has amended its adjudication regulations to remove references to monetary benefits rates and income limitations and to replace them with the statutory citations or methods of computation that are the basis for those monetary rates and income limitations. The amendments are necessary to eliminate the cost of annual regulatory amendments based solely on legislative rate changes or changes made by standardized computation methods. The effect of these amendments will be to reduce unnecessary regulatory burdens and publication costs while maintaining an adequate method of advising the public of periodic changes in benefit rates and income limitations through publication in the "Notices" section of the Federal Register.

DATES: These amendments are effective October 16, 1987.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: On pages 17773-77 of the Federal Register of May 12, 1987, the VA published proposed amendments removing monetary rates from 38 CFR Part 3. Interested persons were given until June 9, 1987, to submit comments on the proposed amendments. Two comments were received.

Both commenters expressed the view that some method should be retained whereby the public would have access to current monetary rate schedules. One commenter suggested that an appendix to 38 CFR Part 3 be created so that monetary rates would be available to the public from a single source. The other commenter suggested leaving the monetary rates in the regulations or abolishing the regulations altogether as unnecessary.

Title 38 of the Code of Federal Regulations is revised each year as of July 1 and is printed and distributed for public use late in the year. Most of the monetary rates in 38 CFR Part 3 are adjusted each year effective December 1. Therefore, the monetary rates in each revision of title 38 are almost always out of date.

Creation of an appendix to 38 CFR Part 3 would not improve the situation because an appendix would have to be updated by publishing a regulatory amendment in the Federal Register.

Since this is the same method currently used for updating the regulations, nothing would be gained by taking the monetary rates out of the regulations and putting them in an appendix.

Public notice of changes in monetary rates will not be affected by these amendments. Rate changes were previously published in the "Rules and Regulations" section of the *Federal Register* but now will be published in the "Notices" section. In addition, current information on monetary rates will continue to be available at all VA regional offices and may be obtained by calling the toll-free number listed for each regional office in the white pages of the telephone directory.

Since we have determined that no changes are warranted based on the comments received, the amendments are adopted as proposed.

The Administrator hereby certifies that these 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. Therefore, pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604. The reason for this certification is that these regulations impose on regulatory burdens on small entities, and there will be no direct effect on claimants for VA benefits.

In accordance with Executive Order 12291, Federal Regulation, the Administrator has determined that these regulations are non-major for the following reasons:

(1) They will not have an annual effect on the economy of \$100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance Program numbers are 64.101, 64.104, 64.105, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practices and procedure, Claims, Handicapped, Health care, Pensions, Veterans, Veterans Administration.

Approved: August 28, 1987.

Thomas K. Turnage,
Administrator.

38 CFR Part 3, Adjudication, is amended as follows:

PART 3—[AMENDED]

1. In § 3.23, the heading and paragraphs (a) and (c) and revised to read as follows:

§ 3.23 Improved pension rates—Veterans and surviving spouses.

(a) *Maximum annual rates of improved pension.* The maximum annual rates of improved pension for the following categories of beneficiaries shall be the amounts specified in 38 U.S.C. 521 and 541, as increased from time to time under 38 U.S.C. 3112. Each time there is an increase under 38 U.S.C. 3112, the actual rates will be published in the "Notices" section of the *Federal Register*.

(1) Veterans who are permanently and totally disabled.

(Authority: 38 U.S.C. 521(b) or (c))

(2) Veterans in need of aid and attendance.

(Authority: 38 U.S.C. 521(d))

(3) Veterans who are housebound.

(Authority: 38 U.S.C. 521(e))

(4) Two veterans married to one another—combined rates.

(Authority: 38 U.S.C. 521(f))

(5) Surviving spouse alone or with a child or children of the deceased veteran in the custody of the surviving spouse.

(Authority: 38 U.S.C. 541 (b) or (c))

(6) Surviving spouses in need of aid and attendance.

(Authority: 38 U.S.C. 541(d))

(7) Surviving spouses who are housebound.

(Authority: 38 U.S.C. 541(e))

(c) *Mexican border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by the amount specified in 38 U.S.C. 521(g), as increased from time to time under 38 U.S.C. 3112. Each time there is an increase under 38 U.S.C. 3112, the actual rate will be published in the "Notices" section of the *Federal Register*.

(Authority: 38 U.S.C. 521(g))

2. In § 3.24, the heading and paragraphs (b) and (c) are revised to read as follows:

§ 3.24 Improved pension rates—Surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In

cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (see § 3.57(d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate specified in 38 U.S.C. 542, as increased from time to time under 38 U.S.C. 3112, reduced by the amount of the child's countable annual income. Each time there is an increase under 38 U.S.C. 3112, the actual rate will be published in the "Notices" section of the *Federal Register*.

(c) *Child in the custody of person legally responsible for support—(1) Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under § 3.23(a)(5), and the sum of the annual income of such child and the annual income of such person or, the maximum annual pension rate under paragraph (b) of this section, whichever is less.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than the maximum annual pension rate under paragraph (b) of this section) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than the maximum annual pension rate under paragraph (b) of this section, or the maximum annual pension rate under paragraph (b) of this section times the number of eligible children, whichever is less).

(Authority: 38 U.S.C. 542)

3. Section 3.25 is revised to read as follows:

§ 3.25 Parents' dependency and indemnity compensation (DIC)—method of payment computation.

Monthly payments of parents' DIC shall be computed in accordance with the following formulas:

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent, the monthly rate specified in 38 U.S.C. 415 (b)(1), as increased from time to time under 38 U.S.C. 3112, reduced by \$.08 for each

dollar of such parent's countable annual income in excess of \$800. No payments of DIC may be made under this paragraph, however, if such parent's countable annual income exceeds the amount specified in 38 U.S.C. 415(b)(3), as increased from time to time under 38 U.S.C. 3112, and no payment of DIC to a parent under this paragraph may be less than \$5 a month.

(b) *One parent who has remarried.* If there is only one parent and the parent has remarried and is living with the parent's spouse, DIC shall be paid under paragraph (a) or paragraph (d) of this section, whichever shall result in the greater benefit being paid to the veteran's parent. In the case of remarriage, the total combined countable annual income of the parent and the parent's spouse shall be counted in determining the monthly rate of DIC.

(c) *Two parents not living together.* The rate computation method in this paragraph applies to

(1) Two parents who are not living together, or

(2) An unremarried parent when both parents are living and the other parent has remarried.

The monthly rate of DIC paid to such parents shall be the rate specified in 38 U.S.C. 415(c)(1), as increased from time to time under 38 U.S.C. 3112, reduced by an amount no greater than \$.08 for each dollar of such parent's countable annual income in excess of \$800, except that no payments of DIC may be made under this paragraph if such parent's countable annual income exceeds the amount specified in 38 U.S.C. 415(c)(3), as increased from time to time under 38 U.S.C. 3112, and no payment of DIC to a parent under this paragraph may be less than \$5 monthly. Each time there is a rate increase under 38 U.S.C. 3112, the amount of the reduction under this paragraph shall be recomputed to provide, as nearly as possible, for an equitable distribution of the rate increase. The results of this computation method shall be published in schedular format in the "Notices" section of the **Federal Register** as provided in paragraph (f) of this section.

(d) *Two parents living together or remarried parents living with spouse.* The rate computation method in this paragraph applies to each parent living with another parent and to each remarried parent when both parents are alive. The monthly rate of DIC paid to such parents shall be the rate specified in 38 U.S.C. 415(d)(1), as increased from time to time under 38 U.S.C. 3112, reduced to an amount no greater than \$.08 for each dollar of such parent's and spouse's combined countable annual

income in excess of \$1,000 except that no payments of DIC may be made under this paragraph if such parent's and spouse's combined countable annual income exceeds the amount specified in 38 U.S.C. 415(d)(3), as increased from time to time under 38 U.S.C. 3112, and no payment of DIC to a parent under this paragraph may be less than \$5 monthly. Each time there is a rate increase under 38 U.S.C. 3112, the amount of the reduction under this paragraph shall be recomputed to provide, as nearly as possible, for an equitable distribution of the rate increase. The results of this computation method shall be published in schedular format in the "Notices" section of the **Federal Register** as provided in paragraph (f) of this section.

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by the amount specified in 38 U.S.C. 415(g), as increased from time to time under 38 U.S.C. 3112, if such parent is

(1) A patient in a nursing home, or
(2) Helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(f) *Rate publication.* Each time there is an increase under 38 U.S.C. 3112, the actual rates will be published in the "Notices" section of the **Federal Register**.

(Authority: 38 U.S.C. 210(c))

4. Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old law pension annual income limitations.

(a) The annual income limitations for section 306 pension shall be the amounts specified in section 306(a)(2)(A) of Pub. L. 95-588, as increased from time to time under section 306(a)(3) of Pub. L. 95-588.

(b) If a beneficiary under section 306 pension is in need of aid and attendance, the annual income limitation under paragraph (a) of this section shall be increased in accordance with 38 U.S.C. 521(d), as in effect on December 31, 1978.

(c) The annual income limitations for old-law pension shall be the amounts specified in section 306(b)(3) of Pub. L. 95-588, as increased from time to time under section 306(b)(4) of Pub. L. 95-588, as increased from time to time under section 306(b)(4) of Pub. L. 95-588.

(d) Each time there is an increase under section 306 (a)(3) or (b)(4) of Pub. L. 95-588, the actual income limitations will be published in the "Notices" section of the **Federal Register**.

(Authority: 38 U.S.C. 210(c))

5. In § 3.27 paragraphs (a) and (b) are revised to read as follows:

§ 3.27 Automatic adjustment of benefit rates.

(a) *Improved pension.* Whenever there is a cost-of-living increase in benefit amounts payable under section 215(i) of title II of the Social Security Act, the VA shall, effective on the dates such increases become effective, increase by the same percentage each maximum annual rate of improved pension.

(Authority: 38 U.S.C. 3112(a))

(b) *Parent's dependency and indemnity compensation—maximum annual income limitation and maximum monthly rates.* Whenever there is a cost-of-living increase in benefit amounts payable under section 215(i) of title II of the Social Security Act, the VA shall, effective on the dates such increases become effective, increase by the same percentage the annual income limitations and the maximum monthly rates of dependency and indemnity compensation for parents.

(Authority: 38 U.S.C. 3112(b)(1))

* * *

6. Section 3.28 is revised to read as follows:

§ 3.28 Automatic adjustment of section 306 and old-law pension income limitations.

Whenever the maximum annual rates of improved pension are increased by reason of the provisions of 38 U.S.C. 3112, the following will be increased by the same percentage effective the same date:

(a) The maximum annual income limitations applicable to continued receipt of section 306 and old-law pension; and

(b) The dollar amount of a veteran's spouse's income that is excludable in determining the income of a veteran for section 306 pension purposes. (See § 3.262(b)(2))

These increases shall be published in the **Federal Register** at the same time that increases under § 3.27 are published.

(Authority: Sec. 306, Pub. L. 95-588)

Cross References: Section 306 and old-law pension annual income limitations. See § 3.26.

7. In § 3.262 paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * *

(b) * * *
(1) * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95-588, to a veteran

who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, the amount of the spouse income exclusion specified in section 306(a)(2)(B) of Pub. L. 95-588 as increased from time to time under section 306(a)(3) of Pub. L. 95-588 or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. Each time there is an increase in the spouse income exclusion pursuant to section 306(a)(3) of Pub. L. 95-588, the actual amount of the exclusion will be published in the "Notices" section of the *Federal Register*. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements.

(Authority: 38 U.S.C. 521(f); sec. 306(a)(2)(B) of Pub. L. 95-588)

8. In § 3.802 the first sentence of paragraph (b) is revised to read as follows:

§ 3.802 Medal of Honor.

(b) An award of special pension at the monthly rate specified in 38 U.S.C. 562 will be made as of the date of filing of the application with the Secretary concerned. * * *

9. In § 3.1600 the first sentence of paragraphs (a) and (g); the first sentence of the introductory text of paragraphs (b) and (f); and paragraph (c) are revised to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

(a) *Service-connected death and burial allowance.* If a veteran dies as a result of a service-connected disability or disabilities, an amount not to exceed the amount specified in 38 U.S.C. 907 (or if entitlement is under § 3.8 (c) or (d), an amount in Philippine pesos computed in accordance with the provisions of § 3.8(c)) may be paid toward the veteran's funeral and burial expenses including the cost of transporting the body to the place of burial. * * *

(b) *Nonservice-connected death and burial allowance.* If a veteran's death is not service-connected, an amount not to exceed the amount specified in 38 U.S.C. 902 (or if entitlement is under § 3.8 (c) or (d), an amount in Philippine pesos computed in accordance with the provisions of § 3.8(c)) may be paid toward the veteran's funeral and burial

expenses including the cost of transporting the body to the place of burial. * * *

(c) *Death while properly hospitalized.* If a person dies from nonservice-connected causes while properly hospitalized by the VA, there is payable an allowance not to exceed the amount specified in 38 U.S.C. 903(a) for the actual cost of the person's funeral and burial, and an additional amount for transportation of the body to the place of burial. For burial allowance purposes, the term "hospitalized by the VA" means admission to a VA facility (as defined in 38 U.S.C. 601(4)) for hospital, nursing home, or domiciliary care under the authority of 38 U.S.C. 610 or 611(a), or admission (transfer) to a nursing home under the authority of 38 U.S.C. 620 for nursing home care at the expense of the United States. (If the hospitalized person's death is service-connected, entitlement to the burial allowance and transportation expenses fall under paragraphs (a) and (g) of this section instead of this paragraph.)

(Authority: 38 U.S.C. 903 (a))

(f) *Plot or interment allowance.* When a veteran dies from nonservice-connected causes, an amount not to exceed the amount specified in 38 U.S.C. 903(b) (or if the entitlement is under § 3.8 (c) or (d), an amount in Philippine pesos computed in accordance with the provisions of § 3.8(c)) may be paid as a plot or interment allowance. * * *

(g) *Transportation expenses for burial in national cemetery.* Where a veteran dies as the result of a service-connected disability, or at the time of death was in receipt of disability compensation (or but for the receipt of military retired pay or nonservice-connected disability pension would have been entitled to disability compensation at time of death), there is payable, in addition to the burial allowance (either the amount specified in 38 U.S.C. 902 or the amount specified in 38 U.S.C. 907 if the cause of death was service-connected), an additional amount for payment of the cost of transporting the body to the national cemetery for burial. * * *

10. In § 3.1601 paragraphs (a)(1)(i) and (a)(2)(i) and the last sentence of paragraph (a)(2)(iii) are revised to read as follows:

§ 3.1601 Claims and evidence.

(a) * * *
(1) * * *
(i) The funeral director, if the entire

bill or any balance is unpaid (if the unpaid bill or the unpaid balance is less than the applicable statutory burial allowance, only the unpaid amount may be claimed by the funeral director); or

(2) * * *

(i) The funeral director, if he or she provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (if the unpaid bill or the unpaid balance is less than the statutory plot or interment allowance, only the unpaid amount may be claimed by the funeral director); or

(iii) * * * Any remaining balance of the plot or interment allowance may then be applied to interment expenses; or

11. In § 3.1604 the introductory text of paragraph (a), the last sentence of paragraph (b)(2), and paragraphs (c) and (d)(3) are revised to read as follows:

§ 3.1604 Payments from non-VA sources.

(a) *Contributions or payments by public or private organizations.* When contributions or payments on the burial expenses have been made by a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran only the difference between the entire burial expenses and the amount paid thereon by any of these agencies or organizations, not to exceed the applicable statutory burial allowance, will be authorized. Contributions or payments by any other public or private organization such as a lodge, union, fraternal or beneficial organization, society, burial association or insurance company, will bar payment of the burial allowance if such allowance would revert to the funds of such organization or would discharge such organization's obligation without payment.

Authority: (38 U.S.C. 902; 907)

(b) * * *

(1) * * *

(2) * * * In such cases only the difference between the total burial expense and the amount paid thereon under such provision, not to exceed the amount specified in 38 U.S.C. 902, will be authorized.

(Authority: 38 U.S.C. 902(b))

(c) *Payment of plot or interment allowance by public or private organization except as provided for by*

§ 3.1604(d). Where any part of the plot or interment expenses has been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, only the difference between the total amount of such expenses and the amount paid or assumed by any of these agencies or organizations, not to exceed the statutory plot or interment allowance, will be authorized.

(Authority: 38 U.S.C. 903(b))

(d) * * *

(3) *Amount of the allowance.* A State or an agency or political subdivision of a State entitled to payment under this paragraph shall be paid the maximum statutory amount as a plot or interment allowance without regard to the actual cost of the plot or interment.

(Authority: 38 U.S.C. 903(b))

* * *

12. In § 3.1612 paragraph (e)(2)(ii) is revised and paragraph (e)(2)(iii) is added to read as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

* * *

(e) * * *

(2) * * *

(ii) The average actual cost, as determined by the VA, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased.

(iii) The average actual cost of Government-furnished headstones and markers during any fiscal year is determined by dividing the sum of the VA's costs during that fiscal year for procurement, transportation, Monument Service and miscellaneous administration, inspection and support staff by the total number of headstones and markers procured by the VA during that fiscal year and rounding to the nearest whole dollar amount. The resulting average actual cost is published at the end of each fiscal year in the "Notices" section of the Federal Register.

(Authority: 38 U.S.C. 906 (d))

* * *

[FR Doc. 87-21354 Filed 9-15-87; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 36

Increase in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans; Correction

AGENCY: Veterans Administration.

ACTION: Final regulation; correction.

SUMMARY: In the Federal Register of Thursday, September 10, 1987 (52 FR 34218) the Veterans Administration (VA) published increases in maximum interest rates on guaranteed manufactured home units loans, lot loans, and combination manufactured home unit and lot loans. An increase appearing in 38 CFR 36.4311(a) was inadvertently omitted. This document is to correct the text of § 36.4311(a).

EFFECTIVE DATE: September 8, 1987.

FOR FURTHER INFORMATION CONTACT: George Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-3042.

Dated: September 11, 1987.

Priscilla B. Carey,

Chief, Directives Management Division.

On page 34218 of the Federal Register of September 10, 1987, Volume 52, § 36.4311(a) is correctly revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 10½ per centum per annum, effective September 8, 1987, the interest rate on any home manufactured home/lot loan guaranteed under 38 U.S.C. 1810, or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such a date may not exceed 10½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * *

[FR Doc. 87-21337 Filed 9-15-87; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2F2680/R911; FRL-3260-4]

Pesticide Tolerance for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid (AMPA) in or on coconut at 0.1 part per million (ppm). The regulation was requested by Monsanto Co. and establishes the maximum permissible level for residues of the herbicide in or on coconut.

EFFECTIVE DATE: September 16, 1987.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Room 3708, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location and telephone number: Room 412, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of June 23, 1982 (47 FR 27126), which announced that Monsanto Co., 1101 17th Street, NW., Washington, DC 20036, had submitted a pesticide petition, PP 2F2680, to EPA proposing the establishment of a tolerance for combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid (AMPA) in or on the raw agricultural commodity copra at 1.0 ppm. Food additive tolerances were proposed under food additive petition (FAP) 2H5339 for the combined residues of the herbicide and its metabolite on coconut oil, desiccated coconut, and copra meal at 0.1 ppm.

There were no comments received in response to the notice of filing.

The petitioner subsequently amended the petition to propose the establishment of a tolerance for the combined residues of the herbicide glyphosate and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity (RAC) coconut at 0.1 ppm. The food additive tolerances on coconut oil, desiccated coconut, and copra meal were withdrawn.

The data submitted in the petition and other relevant material have been evaluated. The data evaluated include a 2-year oncogenicity study in mice fed