

carried while participating in those activities. The possession of knives kept in quarters and designed for the use in the preparation of food is authorized.

(b) Any incendiary devices, military ammunition and/or explosives.

(c) Any weapons not legally obtained.

(d) Any instrument commonly used in the practice of martial arts, for example, a nunchaku, except during the legitimate martial arts training. If martial arts use is authorized, storage of these instruments during nontraining periods will be in a location other than the arms room, as designed by the unit commander for soldiers residing in troop billets, BEQ or BOQ. Martial arts instruments may be stored in assigned government family quarters during nontraining periods.

(e) Any weapons on which the name of the manufacturer, serial number of identification have been changed, altered, removed or obliterated unless done for legitimate repair or part replacement.

§ 552.122 Personnel not authorized to possess or retain personal weapons.

(a) Possession, retention or storage of personal weapons or ammunition by person(s) described below is prohibited:

(1) Any person who has been convicted in any court of a crime of violence. For the purpose of this regulation, a crime of violence is one in which the use of force or threat of force is an element.

(2) Any person who is a fugitive from justice.

(3) Any person who has been convicted in any court of the possession, use, or sale of marijuana, dangerous or narcotic drugs.

(4) Any person who is presently declared as mentally incompetent or who is presently committed to any mental institution.

(5) Any civilian, or other than a military family member or a law enforcement officer authorized to carry the weapon under state or federal law, while on Fort Lewis or a sub-installation, except while hunting or engaged in authorized target practice or an organized match, unless specifically authorized in writing by the Commanding General, I Corps and Fort Lewis.

(b) Any person under the age of eighteen is prohibited from the use of firearms unless accompanied and supervised by a parent or legal guardian.

(c) Delivery of a personal handgun to persons known to be under the age of twenty-one, persons known to have been convicted of a crime or violence,

persons known to be a drug abuser or under the influence of drugs, persons known to be an alcoholic or currently under the influence of alcohol or a person known to be of unsound mind, is prohibited.

§ 552.123 Storage of personal weapons other than firearms or handguns.

Privately owned weapons, such as knives, swords, air guns, BB guns, cross bows, pellet guns, bow and arrows, of personnel residing the unit billets will be stored in a separate locked container, within a secured storage area designated for this purpose by the unit commander, in a location other than the unit arms room.

§ 552.124 Transportation of privately owned weapons and ammunition.

(a) Privately owned firearms and ammunition will be transported in the following manner:

(1) Weapons, other than weapons being transported into Fort Lewis for the first time, may be carried in vehicles only when traveling to and from an authorized hunting area during hunting seasons or enroute to or from authorized target practice and matches.

(2) The carrying of loaded privately owned weapons in a vehicle is prohibited.

(3) Privately owned weapons carried in a vehicle will be secured in the trunk or encased and carried in such a manner that they will not be readily available to the driver or passenger.

(b) Personnel who remove privately owned weapons from Fort Lewis or sub-installations will comply with applicable Federal, state, and local laws pertaining to the ownership, possession and/or registration of weapons.

§ 552.125 Disposition of confiscated weapons.

Commanders will maintain confiscated weapons in the unit arms room pending final disposition. They will provide written notification of the circumstances or loss or recovery of such weapons and a complete and accurate description of the weapon to Commander, I Corps and Fort Lewis, ATTN: AFZH-PMS-P, Fort Lewis, WA 98433-5000. A copy of this notification will be maintained with the weapon pending final disposition.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 91-12924 Filed 5-31-91; 8:45 am]

BILLING CODE 3710-08

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD8-91-10]

Special Local Regulations; 1991 LakeFest, Lake Pontchartrain, LA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special local regulations are being adopted for the 1991 LakeFest. This event will be held on June 9, 1991 from 12 p.m. until 3 p.m. on Lake Pontchartrain, La. In case of postponement this event will be held on June 10, 1991 from 12 p.m. until 3 p.m. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on June 9, 1991 at 11 a.m. and terminate on June 9, 1991 at 4 p.m. In case of postponement this regulation will take effect on June 10, 1991 at 11 a.m. and terminate on June 10, 1991 at 4 p.m.

FOR FURTHER INFORMATION CONTACT: LT E.N. Eng, Operations Officer, U.S. Coast Guard Group New Orleans, LA (504) 942-3002.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The details of the event were not finalized until May 21, 1991 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Nevertheless, interested persons wishing to comment may do so by submitting written views, data or arguments. Commentators should include their name and address, identify this notice (CGD8-91-10) and the specific section of the proposal to which the comments apply, and give reasons for comment. Receipt of comments will be acknowledged if a stamped self-addressed envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafter of this regulation is LT Edward N. Eng, Project Officer, Coast Guard Group New Orleans, La. and LT

J.A. Wilson, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion of Regulation

The marine event requiring this regulation is called "The 1991 LakeFest." This event is sponsored by the Southern Offshore Racing Association. It will consist of approximately 50-70 race boats traveling in excess of 91 m.p.h. The course followed by the race will be marked by buoys positioned at various points along its several straightaways and turns. The regulated area will encompass the entire race area. Approximately 1,000 spectator boats are expected for the event. While viewing the event at any point outside the regulated area is not prohibited, spectators will be encouraged to congregate within designated spectator areas. These areas will be defined by buoys and are located as follows:

West Spectator Area:

Along the west side of the regulated area between 17th Street Canal and the Causeway.

South Spectator Areas:

- (1) Along the south side of the regulated area between Pontchartrain Beach and New Orleans Lakefront Airport.
- (2) The entire entrance area of Bayou St. John.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the forgoing, 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 T9110 is added to read as follows:

§ 100.35-T9110 Lake Pontchartrain, Louisiana

(a) *Regulated Area:* The following area will be closed to all vessel traffic: A triangle starting at a point 1.7 statute miles east of the Causeway on the South shore of Lake Pontchartrain near the West End Boat Launch (latitude 30-01.8N, longitude 091-07.0W) along the south shore to a point 2.0 statute miles east of the Lakefront Airport (latitude 30-03.4N, longitude 089.59.3W) then northwesterly 7.5 statute miles to a point near the Bascule Bridge on the Causeway (latitude 30-06.5N, longitude 090-07.0W).

(b) *Special Local Regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled, by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. He may terminate the event at any time it is deemed necessary for the protection of life and/or property. He may be reached on VHF-FM Channel 16, when required, by the call sign "PATCOM".

(c) *Effective Dates:* These regulations will be effective from 11 a.m. to 4 p.m. June 9, 1991. In case of postponement due to inclement weather this regulation will take effect on June 10, 1991 at 11 a.m. and terminate at 4 p.m.

Dated: May 23, 1991.

T.D. Fisher,

Captain, U.S. Coast Guard, Commander, Eighth Coast Guard District, Acting.

[FR Doc. 91-13038 Filed 5-31-91; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 1 and 3

RIN 2900-AF09

Omnibus Budget Reconciliation Act of 1990: To Implement Provisions of Public Law 101-508

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its general and adjudication regulations concerning the mandatory disclosure of social security numbers, the presumption of total disability at age 65 for pension purposes, the eligibility of remarried surviving spouses or married children for the reinstatement of benefits, pension for

veterans receiving Medicaid-covered nursing home care, plot allowance eligibility, and the headstone or marker allowance. These changes are needed to implement recently enacted legislation. The intended effect of these changes is to bring the regulations into conformance with the new statutory requirements.

EFFECTIVE DATE: These amendments are effective November 1, 1990, except the provisions concerning Medicaid payments (§§ 3.501(i)(3) and 3.551(h)) which are effective November 5, 1990, the date that Public Law 101-508 was signed into law.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: Section 8053 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, amended 38 U.S.C. 3001 to authorize the Secretary to require the disclosure of the social security number of any individual, as well as those of his or her dependents, who applies for or is in receipt of compensation or pension benefits. The Secretary has decided to exercise this authority. An individual is not required to furnish VA with a social security number for any person to whom a social security number has not been assigned. VA is amending 38 CFR 1.575(b) to conform with this new statutory requirement.

Section 8002 of Public Law 101-508 amended 28 U.S.C. 502(a) to eliminate the presumption of total disability at age 65 for pension purposes. VA is amending 38 CFR 3.3(a)(3)(v), 3.342(a), and 3.400(d) to conform with this new statutory provision. We are also removing the reference to "vicious habits" in § 3.3(a)(3)(v), as that term no longer appears in the statutory language (38 U.S.C. 521) as amended by Public Law 95-588.

Section 8004 of Public Law 101-508 amended 38 U.S.C. 103 to eliminate the eligibility of remarried surviving spouses and married children for reinstatement of benefits when that marital relationship terminates unless the disqualifying marital relationship was void or was annulled. Similarly, the fact that a surviving spouse of a veteran has terminated a relationship with another person, in which the surviving spouse has held himself or herself out openly to the public as the spouse of that person, has also been eliminated as a basis for the reinstatement of benefits. VA is

amending 38 CFR 3.55, 3.215, 3.400(u), 3.400(v), and 3.400(w) to conform with this new statutory provision.

Section 8003 of Public Law 101-508 amended 38 U.S.C. 3203 to require the reduction of pension benefits to \$90 per month when a veteran, who has neither spouse nor child, is receiving Medicaid-covered nursing home care. This reduction will occur after the month of admission to the nursing home. A veteran is not liable to the United States for any payment of pension in excess of the permitted amount that is paid to or for the veteran by reason of the inability or failure of VA to reduce the pension unless such inability or failure is the result of a willful concealment by the veteran of information necessary to make the reduction. The provisions of this statutory amendment expire on September 30, 1992. VA is amending 38 CFR 3.501 and 3.551 to conform with this new statutory requirement. Inclusion in § 3.501 of a reference to a reduction effective the last day of the month following 60 days after issuance of a prereduction notice required under § 3.103(b) reflects the fact that, under section 8003 of Public Law 101-508, a pensioner may not generally be held liable for any overpayment created by operation of that statute. This action is not intended to imply that provision of a 60-day prereduction notice period creates an entitlement to benefits for that period.

Section 8042 of Public Law 101-508 amended 38 U.S.C. 903(b)(2) to eliminate eligibility for the \$150 plot allowance based solely on wartime service. This change applies to deaths occurring on or after November 1, 1990. VA is amending 38 CFR 3.1600(f)(2) to conform with this new statutory provision.

Section 8041 of Public Law 101-508 amended 38 U.S.C. 906(d) to eliminate the payment of the monetary allowance in lieu of VA-provided headstone or marker for deaths occurring on or after November 1, 1990. VA is amending 38 CFR 3.1612 to conform with this new statutory provision.

VA is issuing a final rule to make the above described amendments. These amendments are necessary to conform regulatory provisions with Public Law 101-508. Because these amendments implement statutory changes, publication as a proposal for public notice and comment is unnecessary.

Since a notice of proposed rulemaking is unnecessary and will not be published, these amendments are not a "rule" as defined in and made subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2). In any case, these regulatory amendments will not have a significant economic impact on a

substantial number of small entities as they are defined in the RFA, 5 U.S.C. 601-612. These amendments will not directly affect any small entity.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments 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, 64.109 and 64.110.

List of Subjects

38 CFR Part 1

Administrative practice and procedure, Claims, Privacy, Security measures.

38 CFR Part 3

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

Approved: April 10, 1991.

Edward J. Derwinski,
Secretary of Veterans Affairs.

PART 1—[AMENDED]

38 CFR part 1, General Provisions, is amended as follows:

1. In § 1.575, paragraph (b) is revised and an authority citation is added at the end of the section to read as follows:

§ 1.575 Social security numbers in veterans' benefits matters.

(b) VA shall require mandatory disclosure of a claimant's or beneficiary's social security number (including the social security number of a dependent of a claimant or beneficiary) on necessary forms as prescribed by the Secretary as a condition precedent to receipt or continuation of receipt of compensation or pension payable under the provisions of chapters 11, 13 and 15 of title 38, United States Code, provided, however, that a claimant shall not be required to furnish VA with a social security number for any person to whom a social security number has not been assigned. VA may also require mandatory disclosure of an applicant's social security number as a condition for

receiving loan guaranty benefits and a social security number or other taxpayer identification number from existing direct and vendee loan borrowers and as a condition precedent to receipt of a VA-guaranteed loan, direct loan or vendee loan, under chapter 37 of title 38, United States Code. (Pub. L. 97-365, sec. 4)

(Authority: 38 U.S.C. 3001)

PART 3—[AMENDED]

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

1. In § 3.3, paragraph (a)(3)(v) is revised to read as follows:

§ 3.3 Pension.

(a) * * *

(3) * * *

(v) Is permanently and totally disabled from nonservice-connected disability not due to the veteran's own willful misconduct; and

(Authority: 38 U.S.C. 502(a))

2. In § 3.55, paragraph (b) introductory text, paragraphs (c) and (d), and paragraph (e) introductory text are amended by removing the words "On and after" where they appear, and adding, in their place, the words "With respect to claims filed prior to November 1, 1990, on and after".

3. In § 3.55, the authority citation appearing at the end of the section is revised to read as follows:

§ 3.55 Terminated marital relationships.

(Authority: 38 U.S.C. 103)

4. Section 3.215 is amended by removing the words "On or after" where they appear, and adding, in their place, the words "With respect to claims filed prior to November 1, 1990, on or after".

5. In § 3.215, the authority citation is revised to read as follows:

§ 3.215 Termination of marital relationship or conduct.

(Authority: 38 U.S.C. 103)

§ 3.342 [Amended]

6. In § 3.342(a), the second and third sentences are removed.

7. In § 3.400, paragraphs (d), (u)(3) and (u)(4), (v)(3) and (v)(4), and (w) are revised to read as follows:

§ 3.400 General.

(d) Age; surviving spouse 70 (§ 3.208). In other than original claims date of receipt or 70th birthday, whichever is

later, if evidence filed within 1 year after date of request.

(Authority: 38 U.S.C. 502(a))

(u) * * *

(3) *Death*. Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable for claims filed after October 31, 1990.

(Authority: 38 U.S.C. 103)

(4) *Divorce*. Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable for claims filed after October 31, 1990.

(Authority: 38 U.S.C. 103)

(v) * * *

(3) *Death*. Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable for claims filed after October 31, 1990.

(Authority: 38 U.S.C. 103)

(4) *Divorce*. Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable for claims filed after October 31, 1990.

(Authority: 38 U.S.C. 103)

(w) *Termination of relationship or conduct resulting in restriction on payment of benefits (38 U.S.C. 103(d)(3), 3010(m), effective January 1, 1971; §§ 3.50(b)(2) and 3.55)*. Date of receipt of application filed after termination of relationship and after December 31, 1970. Benefits are not payable for claims filed after October 31, 1990.

(Authority: 38 U.S.C. 103)

8. In § 3.501, paragraph (i)(3) is redesignated as paragraph (i)(4), and a new paragraph (i)(3) is added to read as follows:

§ 3.501 Veterans.

(i) * * *

(3) § 3.551(h). (i) Last day of the calendar month in which Medicaid payments begin, last day of the month following 60 days after issuance of a prereduction notice required under § 3.103(b)(2), or the earliest date on which payment may be reduced without creating an overpayment, whichever date is later; or

(ii) If the veteran willfully conceals information necessary to make the reduction, the last day of the month in which that willful concealment occurred.

(Authority: 38 U.S.C. 3203)

9. In § 3.551, paragraph (h) is added to read as follows:

§ 3.551 Reduction because of hospitalization.

(h) *Certain veterans receiving Medicaid-covered nursing home care*. Effective November 5, 1990, and terminating on September 30, 1992, if a veteran having neither spouse nor child is receiving Medicaid-covered nursing home care, no pension in excess of \$90 per month shall be paid to or for the veteran for any period after the month in which the Medicaid payments begin. A veteran is not liable for any pension paid in excess of the \$90 per month by reason of the Secretary's inability or failure to reduce payments, unless that inability or failure is the result of willful concealment by the veteran of information necessary to make that reduction.

(Authority: 38 U.S.C. 3203)

10. In § 3.1600, redesignate paragraphs (f)(2), (f)(3), and (f)(4) as paragraphs (f)(3), (f)(4), and (f)(5), respectively. In the newly redesignated paragraph (f)(3), remove the words "either served during a period of war or". Add a new paragraph (f)(2) to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

(f) * * *

(2) The veteran served during a period of war and the conditions set forth in § 3.1604(d)(1)(ii)-(v) (relating to burial in a state veterans' cemetery) are met; or

(Authority: 38 U.S.C. 903(b)(2))

11. In § 3.1612, add paragraph (h) to read as follows:

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

(h) The monetary allowance in lieu of a Government-furnished headstone or marker is not payable if death occurred on or after November 1, 1990.

(Authority: Pub. L. 101-508)

[FR Doc. 91-12992 Filed 5-31-91; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AE51

Veterans Education; Procedural Due Process and the Educational Assistance Test Program

AGENCY: Department of Veterans Affairs and Department of Defense.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) has been reviewing regulations for the purpose of improving due process procedures. This final regulation provides that in certain instances if claimants or beneficiaries under the Educational Assistance Test Program can show good cause why they did not comply with the time limits within which they are required to act, those time limits do not apply. These final regulations will provide increased due process to veterans affected by these time limits.

EFFECTIVE DATE: July 3, 1991.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 31193 and 31194 of the Federal Register dated August 1, 1990, there was published a notice of intent to amend a regulation in order to provide veterans claiming benefits under the Educational Assistance Test Program with increased due process. Interested people were given 30 days to submit comments, suggestions or objections. VA received no comments, suggestions or objections. Nevertheless, VA is making some changes in the final regulations.

VA proposed a companion rulemaking on pages 37787 through 37801 of the Federal Register dated September 28, 1988. This proposal concerned due process for claimants for disability compensation and pension. Like the proposal of August 1, 1990, the September 28, 1988, publication proposed not holding claimants responsible for time limits for perfecting claims if VA did not notify the claimants of those time limits.

VA received several comments on that proposal. As a result of those