

warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor in the spectator anchorage area specified in paragraph (a)(3) of these regulations.

(4) The Coast Guard Patrol Commander may allow vessels to transit the regulated area whenever a race heat is not being run.

(5) Vessel operators are advised to remain clear of the advisory area during the effective periods of this regulation.

(c) *Effective periods:* This regulation is effective from 7 a.m. to 7 p.m., on September 5, 1992. If inclement weather on September 5 postpones the event, the regulation will then be in effect from 7 a.m. to 7 p.m., on September 6, 1992. If the event is postponed on September 6, the regulation will be in effect from 7 a.m. to 7 p.m., on September 7, 1992.

Dated: August 27, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 92-21403 Filed 9-3-92; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

COTP Wilmington, NC Regulation 92-006

Safety Zone Regulations; Trent River, New Bern, NC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Trent River in the vicinity of the Atlantic and North Carolina Railroad bridge in New Bern, North Carolina. The safety zone is needed to protect people, vessels, and property from safety hazards associated with the construction of the single swing span railroad bridge over the Trent River. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective from 12:01 a.m. on September 26, 1992. It terminates on September 27, 1992 at 12:00 noon, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LTJG J. C. BABB, USCG, c/o U.S. Coast Guard Captain of the Port, Suite 500, 272 N. Front Street, Wilmington, North Carolina 28401-3907, Phone: (919) 343-4881.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) 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 necessary to prevent hazard to the vessels involved.

Drafting Information: The drafters of this regulation are LTJG J. C. BABB, project officer for the Captain of the Port, Wilmington, North Carolina, and LT J. B. GATELY, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation: The circumstances requiring this regulation will begin on September 26, 1992 at 12:01 a.m. The Commandant (G-N) has requested that the Captain of the Port provide a safety zone for this phase of the construction project authorized by the Truman-Hobbs Act to provide a larger waterway opening to meet the reasonable needs of navigation. This safety zone is needed to protect the public from the potential hazards associated with bridge construction. It will consist of an area of water 300 yards wide and 600 yards long.

List of Subjects in 33 CFR Part 165

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

Regulation: In consideration of the foregoing, subpart F of part 165 of title 33, Code of Federal Regulations, is amended as follows:

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

Authority: 33 U.S.C. 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 temporary section 165.T0506 is added, to read as follows:

§ 165.T0506 Safety Zone: Trent River, Vicinity of Atlantic and North Carolina Railroad bridge, New Bern, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Trent River within the following boundaries, with a line beginning at:

35° 06' 10" North, 77° 12' 30" West, then south to 35° 05' 58" North, 77° 12' 25" West, then west to 35° 05' 12" North, 77° 12' 30" West, then north to 35° 06' 10" North, 77° 12' 35" West, then to the beginning.

(2) The safety zone boundary can be described as follows: The zone will be established in the vicinity of the Atlantic and North Carolina railroad bridge, New Bern, North Carolina, and

will encompass the water areas of the Trent River starting from the northern bank of the Trent River 150 yards east of the Atlantic and North Carolina railroad bridge, then south across the Trent River to the southern bank 150 yards east of the railroad bridge, then west 300 yards along the southern bank of the Trent River to a point 150 yards west of the railroad bridge, then north to a point on the northern bank of the Trent River 150 yards west of the railroad bridge, then east 300 yards along the northern bank of the Trent River to the point of origin.

(b) *Effective Date.* This regulation becomes effective on September 26, 1992 at 12:01 a.m. It terminates on September 27, 1992 at 12:00 noon, unless sooner terminated by the Captain of the Port.

(c) *Regulations.*

(1) In accordance with the general regulation in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

Dated: August 27, 1992.

C.F. Eisenbeis,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 92-21401 Filed 9-3-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Danger Zone, Chesapeake Bay, Lynnhaven Roads, VA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule with comments invited.

SUMMARY: The Corps of Engineers is amending the regulations in 33 CFR 334.370 to slightly enlarge a danger zone located in the waters of the Chesapeake Bay, offshore of the U.S. Naval Amphibious Base, Little Creek, Virginia. The intent of the change is to allow additional use of the underwater demolitions area for Very Shallow

Water Training and Mine Countermeasures Training. The purpose of the danger zone is to protect persons, vessels and property from hazards associated with the Navy's use of the training area.

ADDRESSES: HQUSACE ATTN: CECW-OR, Washington, DC 20314-1000.

DATES: Effective on September 4, 1992. Written comments will be accepted until October 5, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Hume at (804) 441-7657 or Mr. Ralph Eppard at (202) 272-1783.

SUPPLEMENTARY INFORMATION: The Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia, has requested the Corps amend the danger zone regulations in 33 CFR 334.370. The purpose of this change is to increase the size of the demolition area (training area), to facilitate Very Shallow Water and Mine Countermeasures Training. The training area will be established by sinking 20 objects (mine shapes), to the bay bottom at various coordinates within the danger zone. The mine shapes are constructed of steel, filled with concrete, and varying in size with the largest being eight feet long and 18 inches in diameter. The actual training consists of Navy divers searching for the mine shapes. There will be two or three diver safety boats stationed in the area during training to ensure that both diver and public navigation safety are maintained. The danger zone is within an existing Naval Restricted Area promulgated in 33 CFR 334.310. Those regulations prohibit fish pound stakes or structures within the area and do not allow any vessel to approach within 300 yards of a naval vessel or within 600 yards of any vessel displaying the red "baker" burgee. The existing restricted area will remain unchanged.

The Corps of Engineers has determined that notice of proposed rulemaking and public procedures thereto are unnecessary and impractical in this instance since the expanded danger zone is within the boundaries of an existing naval restricted area. In addition, this proposed change to the existing danger zone was the subject of a public notice published by the Norfolk District Engineer. The public notice issued on August 14, 1991, with the comment period ending on September 13, 1991, was sent to all known interested parties. No comments were received in response to the public notice. Although this danger zone regulation is effective 30 days after publication in the Federal Register, the

Corps of Engineer will consider any comments and will make any changes to the regulations it finds to be appropriate after the 30 days comment period.

Economic Assessment and Certification

This proposed rule is issued with respect to a military function of the defense Department and the provisions of E.O. 12291 do not apply.

I hereby certify that this proposed regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), transportation, danger zones.

In consideration of the above, the Corps of Engineers is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 226; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Part 334 is amended by revising § 334.370(a)(1) to read as follows:

§ 334.370 Chesapeake Bay, Lynnhaven Roads; danger zones, U.S. Naval Amphibious Base.

(a) *Underwater demolitions area (prohibited)*—(1) *The area.* A portion of the restricted area for Navy amphibious training operations described in Sec. 334.310 along the south shore of the Chesapeake Bay, bounded as follows: Beginning at a point at the mean high water line, latitude 36°55'26.5", longitude 76°08'43"; thence 700 yards to latitude 36°55'48", longitude 76°08'38"; thence 500 yards to latitude 36°55'46", longitude 76°08'57"; thence 500 yards to latitude 36°55'37", longitude 76°09'02"; thence 100 yards to latitude 36°55'36", longitude 76°08'57"; thence 200 yards to the mean high water line at latitude 36°55'39.5", longitude 76°08'59"; thence 400 yards along the mean high water line to the point of beginning. The area will be marked by range poles set on shore of the prolongation of the lines forming the eastern and western boundaries.

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Kenneth L. Denton,

Army Federal Register Liaison Officer.
[FR Doc. 92-21244 Filed 9-3-92; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AF63

Veterans Education; Miscellaneous Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: In VA's (Department of Veterans Affairs') response to the final report of the Commission to Assess Veterans' Education Policy VA stated it would make various regulatory changes in response to the Commission's recommendations. These regulatory changes include amendments to adjust the beginning dates of awards of educational assistance; amendments to change VA's definition of a change of program of education; and amendments to liberalize the two year operation requirement which courses must meet before they can be approved for VA training. These final regulations implement the commitments VA made in its response with respect to Dependents' Educational Assistance and the Montgomery GI Bill—Active Duty. Any amendments needed to implement these commitments for other programs which VA administers will be published at a later date.

EFFECTIVE DATE: September 4, 1992.

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 15047 and 15048 of the Federal Register of April 24, 1992, there was published a Notice of Intent to amend 38 CFR part 21 in order to implement various commitments VA made to the Commission to Assess Veterans' Education Policy. Interested people were given 32 days to submit comments, suggestions and objections. VA received no comments, suggestions or objections. Accordingly, VA is making the proposed regulations final.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or

prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs has certified that these amended 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. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these amended regulations are 64.117 and 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: August 6, 1992.

Edward J. Derwinski,
Secretary of Veterans Affairs.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

For the reasons set out in the preamble, 38 CFR part 21, subparts D and K are amended as set forth below.

1. The authority citation for part 21, subpart D continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501(a).

2. In § 21.4131 paragraphs (b) and (c)(1) are revised and an authority citation is added to paragraph (c) to read as follows.

§ 21.4131 Commencing dates.

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When the student enrolls in a course offered by independent study, the commencing date of the award or increased award of

educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) Except as provided in paragraphs (b)(3), (b)(4) and (b)(5) of this section when a student enrolls in a resident course or subject, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter or semester in which the student is enrolled.

(3) When the student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing date of the award or increased award of educational assistance allowance will be the actual date of the first class scheduled for that particular course or subject.

(4) When a student enrolls in a resident course or subject, the commencing date of the award will be the date the student reports to the school provided that—

(i) The published standards of the school require the student to register before reporting, and

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered, and no later than the first scheduled date of classes for the term, quarter or semester for which the student has registered.

(5) When the student enrolls in a resident course or subject and the first day of classes is more than 14 days after the date of registration, the commencing date of the award or the increased award of educational assistance will be the first day of classes.

(Authority: 38 U.S.C. 3481(a), 3680(a); Pub. L. 96-525)

(c) *Certification by school or establishment—course does not lead to a standard college degree.* (1) Residence school: See paragraph (b) of this section.

(Authority: 38 U.S.C. 3481, 3687)

3. In § 21.4234 paragraph (a) is revised to read as follows.

§ 21.4234 Change of program.

(a) *Definition.* (1) Except as provided in paragraph (a)(2) of this section, a change of program consists of a change in the educational professional or vocational objective for which the

veteran or eligible person entered training.

(2) VA does not consider any of the following to be changes of program.

(i) A change in the type of courses needed to attain a vocational objective.

(ii) A change in the veteran's or eligible person's educational, professional or vocational objective following the successful completion of the immediately preceding program of education, or

(iii) A return to the veteran's or eligible person's prior educational, professional or vocational objective following a change in program.

(Authority: 38 U.S.C. 3691)

4. In § 21.4251 paragraph (g)(1) is revised and an authority citation is added to the end of paragraph (g)(1) to read as follows.

§ 21.4251 Period of operation of course.

(g) *Waivers.* * * *

(1) The Director of the VA field station of jurisdiction may exercise the waiver authority found in paragraph (a)(6) of this section to exempt from the 2-year operation requirement certain courses given pursuant to a contract with the Department of Defense or the Department of Transportation on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve located within a State. He or she may grant such a waiver only when he or she finds that:

(i) The school on an application sent through the State approving agency certifies that the course is available only to—

- (A) Active duty military personnel,
- (B) Coast Guard personnel,
- (C) Members of the Selected Reserve,
- (D) Members of the National Guard,
- (E) Dependents of active duty military personnel,

(F) Dependents of active duty Coast Guard personnel,

(G) Civilian employees of the base or station,

(H) Persons who began the course while on active duty and who were discharged while remaining continuously enrolled in it, or

(I) Any combinations of these classes of people.

(ii) The State approving agency of the State in which the course is offered certifies that the course meets all other approval requirements.

(Authority: 38 U.S.C. 3689(b))

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

5. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98-525; 38 U.S.C. 501(c).

6. In § 21.7131 paragraph (b) and its authority citation and paragraph (c)(1) are revised to read as follows.

§ 21.7131 Commencing dates.

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When the student enrolls in a course offered by independent study, the commencing date of the award or increased award of educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) Except as provided in paragraphs (b)(3), (b)(4) and (b)(5) of this section when a student enrolls in a resident course or subject, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter or semester in which the student is enrolled.

(3) When the student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing date of the award or increased award of educational assistance allowance will be the actual date of the first class scheduled for that particular course or subject.

(4) When a student enrolls in a resident course or subject, the commencing date of the award will be the date of reporting provided that—

(i) The published standards of the school require the student to register before reporting, and

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered.

(5) When the student enrolls in a resident course or subject and the first day of classes is more than 14 days after the date of registration, the commencing date of the award or the increased award of educational assistance will be the first day of classes.

(Authority: 38 U.S.C. 3014, 3023; Pub. L. 98-525)

(c) *Certification by educational institution or training establishment—*

course does not lead to a standard college degree. (1) When a veteran or servicemember enrolls in a course which does not lead to a standard college degree and which is offered in residence, the commencing date of the award of educational assistance will be as stated in paragraph (b) of this section.

* * * * *

[FR Doc. 92-21211 Filed 9-3-92; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 36

RIN 2900-AF67

Loan Guaranty: Lender Participation Fees—Lender Appraisal Processing Program

AGENCY: Department of Veterans Affairs.

ACTION: Final regulatory amendment.

EFFECTIVE DATE: September 4, 1992.

SUMMARY: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to require lenders to pay a fee to participate in VA's Lender Appraisal Processing Program. This fee will partially defray expenses incurred in administering the Lenders Appraisal Processing Program.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 233-3042.

SUPPLEMENTARY INFORMATION: On April 15, 1992, VA published in the Federal Register (57 FR 13068) a proposal to amend 38 CFR 36.4225 and 36.4348 to require the payment by lenders participating in the Lender Appraisal Processing Program (LAPP) of a \$100 fee for the approval of each staff appraisal reviewer. Under LAPP, lenders who have automatic processing authority under VA's Automatic Lending Program may also have a staff appraisal reviewer determine the reasonable value of properties to be purchased with VA-guaranteed loans. Please refer to the April 15, 1992, Federal Register for a complete discussion of the proposed amendment.

Public comments were requested on the proposal, and VA received one written comment. The commenter, a mortgage company, agreed that VA should be allowed to charge a processing fee to review the qualifications of each lender staff appraisal reviewer. The commenter also stated that the lender should be allowed

to charge the veteran a fee to offset the additional cost to the lender of obtaining sufficient staff to administer the program.

Our experience has been that lenders wishing to participate in LAPP are nominating existing employees as staff appraisal reviewers; they are not expanding their staff by hiring additional employees to serve in this capacity. Also, the lender review of appraisals under LAPP is similar to the review of appraisals currently performed by lenders when processing conventional loans as well as loans insured by the Department of Housing and Urban Development under its Direct Endorsement Program. The proposal is for a one-time, \$100 fee for each staff appraisal reviewer. We do not believe the LAPP program entails any significant increase in costs for lenders. Therefore, it is not necessary to authorize an additional charge against the veteran-borrower on account of this fee. Accordingly, the regulatory amendment is adopted as originally proposed.

The Secretary hereby certifies that these regulatory amendments 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. The fee VA will charge lenders is not a large amount and should have a minimal impact on small entities.

The Secretary has also determined that the amendments are not a "major rule" within the meaning of Executive Order 12291, Federal Regulation. They will not have an annual effect on the economy of \$100 million or more, and will not cause a major increase in costs or prices for consumers or individual industries, nor will they have other 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 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing Loan programs—housing and community development, Manufactured homes, Veterans.

This amendment is made final under the authority granted the Secretary by sections 501(a), 3703(c)(1), and 3712(g) of title 38, United States Code.