

year more than 5 million nonimmigrant visa applicants in countries throughout the world manage to comply with this requirement, and the Department cannot believe that those wishing to compete for consideration under the Diversity Immigrant Visa Program will have any greater difficulty than the millions upon millions of nonimmigrant visa applicants have had.

Finally, one of the commenters asked whether the petitioner was required to sign the sheet of paper containing the information or whether the information could appear on one sheet of paper and the signature on another which would be stapled to it. The commenter urged that the latter be allowed, because of processing problems which the organization would otherwise have, and commented that it was not clear from the proposed rule whether its suggested alternative was legitimate. It was the Department's intent that the petition continue to be a single sheet of paper, on which the petitioner is to type or print legibly the information required and which the petitioner will sign below the last line of information. The Department finds no basis for complicating the process by having the information on one sheet of paper and a signature on a separate blank sheet of paper stapled to it. Moreover, the Department does not believe that either the Supplementary Information in the proposed rule or the proposed text of 22 CFR 42.33(b)(1) can reasonably be read to mean anything other than that. In any event, the Department hereby re-emphasizes that all petitions are to consist of a single sheet of paper on which are inscribed both the required information about the petitioner and the petitioner's signature.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required under E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

List of Subjects in 22 CFR Part 42

Aliens, Documentation, Immigrants, Passports and visas.

PART 42—[AMENDED]

1. The authority citation for Part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Section 42.33 is amended by revising paragraph (b)(1) and by adding paragraph (i) to read as follows:

§ 42.33 Diversity immigrants.

* * * * *

(b) *Petition for consideration*—(1) *Form of petition.* An alien claiming to be entitled to compete for consideration under INA 203(c) shall file a petition for such consideration. The petition shall consist of a sheet of paper on which shall be typed or legibly printed in the Roman alphabet the petitioner's name; date and place of birth (including city and country, province or other political subdivision of the country); the country of which the alien claims to be a native, if other than the country of birth; name[s] and date[s] and place[s] of birth of spouse and child[ren], if any; a current mailing address; and location of consular office nearest to current residence or, if in the United States, nearest to last foreign residence prior to entry into the United States. The alien shall sign his or her signature on the sheet of paper, using his or her usual signature. The alien shall also affix to the sheet of paper a recent photograph of himself or herself. The photograph shall be 1½ inches square (37mm × 37mm) and the alien shall clearly print his or her name in the Roman alphabet on the reverse of the photograph before affixing the photograph to the sheet of paper.

* * * * *

(i) *Processing fee.* In addition to collecting the immigrant visa application and, if applicable, issuance fees, as provided in § 42.71(b) of this part, the consular officer shall also collect from each applicant for a visa under the Diversity Immigrant Visa Program such processing fee as the Secretary of State shall prescribe.

Dated: January 16, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-95-069]

Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of deviation from regulations and request for comments.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the J.D. Butler (Hillsboro Boulevard, State Road 810) drawbridge, mile 1050.0, at Deerfield Beach, from December 1, 1995 through February 28, 1996. This deviation authorizes the bridge owner to open the draw on signal, except that, from 7 a.m. to 6 p.m., Monday through Thursday, the draw need open only on the hour, 20 minutes after the hour, and forty minutes after the hour; and from 7 a.m. to 6 p.m., Friday through Sunday and federal holidays, the draw need open only on the hour and half-hour. The purpose of this temporary change in opening schedule from Friday through Sunday and federal holidays is to test the feasibility of establishing a permanent change to the seasonal opening restrictions to reduce severe vehicular traffic congestion without unreasonably impacting navigation.

DATES: This deviation is effective from December 1, 1995 through February 28, 1996, unless sooner terminated.

Comments on the alternate schedule must be received on or before February 28, 1996.

ADDRESSES: Comments may be mailed to Commander (oan), Seventh Coast Guard District, Brickell Plaza Federal Building, Room 406, 909 SE. 1st Avenue, Miami, Florida 33131-3050. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Rich, Bridge Management Specialist, Seventh Coast Guard District, at 305-536-5117.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this evaluation of possible changes to the regulations governing the J.D. Butler Drawbridge over the Atlantic Intracoastal Waterway by submitting written data, or arguments for or against this deviation. Persons submitting comments should include their name, address, identify this rulemaking (CGD7-95-069) and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period and determine whether to

initiate a rulemaking to propose a permanent change to the drawbridge operation schedule. Persons may submit comments by writing to the Commander (oan), Seventh Coast Guard District listed under **ADDRESSES**.

Background and Purpose

On November 28, 1994, the City Manager of Deerfield Beach requested a change from the current seasonal operating schedule in Title 33 CFR 117.261(bb) to a year-round hour and half-hour opening schedule. A Coast Guard analysis of highway traffic and bridge opening data provided by the Florida Department of Transportation which was completed on May 8, 1995, indicated the heavy traffic congestion is limited to weekends during the winter tourist season. This deviation will allow a test of the proposed hour and half-hour opening schedule during the heaviest highway and waterway traffic periods. If the test reduces highway traffic congestion without unreasonably impacting navigation, the Coast Guard plans to publish a Notice of Proposed Rule Making which will again request comments on a permanent change to the regulations.

Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw at any time.

This deviation from normal operating regulations (33 CFR 117.5) is authorized in accordance with the provisions of Title 33 of the Code of Federal Regulations, § 117.43.

Dated: December 20, 1995.

Roger T. Rufe, Jr.,
Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.

[FR Doc. 96-725 Filed 1-19-96; 8:45 am]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AH33

Veterans Education: Implementation of the Veterans' Benefits Improvement Act and the Post-Vietnam Era Veterans' Educational Assistance Program

AGENCIES: Defense and Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends regulations of the Department of

Veterans Affairs (VA) concerning the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). It restates statutory requirements and sets forth VA statutory interpretations regarding provisions of the Veterans' Benefits Improvement Act of 1994. More specifically, the regulations are amended by making flight training a permanent part of VEAP; by providing for approval of courses leading to alternative teacher certification; by defining "alternative teacher certification"; by reflecting that VA is prohibited from functionally supervising State approving agencies that approve courses for VA training; and by providing that, in order to be approved for VA training, a correspondence course must be accredited and at least 50% of the students completing the course must take at least six months to complete it.

DATES: *Effective Date:* This rule is effective January 22, 1996.

Applicability Dates: The restatements of statute and VA's statutory interpretations contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. For more information concerning the application of statutes and statutory interpretations, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 273-7187.

SUPPLEMENTARY INFORMATION: Regulations concerning the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) are contained in 38 CFR Part 21. This document contains a number of changes to the regulations based on the Veterans' Benefits Improvement Act of 1994 (Pub. L. 103-446).

Before the enactment of Pub. L. 103-446, VEAP benefits for pursuit of flight training were subject to a sunset provision under which no benefits could be paid for training that occurred after September 30, 1994. Pub. L. 103-446 removed the sunset provision, thus making flight training a permanent part of VEAP. The provisions of § 21.5250(b) are amended to reflect this statutory change.

Public Law 103-446 contains a provision that requires any entity offering an alternative teacher certification program to be considered to be an educational institution for VA purposes during the period beginning on November 2, 1994, and ending on September 30, 1996. The provisions of

§§ 21.5021(d) and 21.5200 are amended to reflect this statutory change.

This document also defines "alternative teacher certification program" as follows:

The term *alternative teacher certification program* for the purposes of determining whether an entity offering such a program is a school, educational institution or institution, as defined in paragraph (d)(3) of this section, means a program leading to a teacher certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

We believe this is consistent with the Congressional intent.

Beginning in 1989, VA was permitted by statute to functionally supervise the State approving agencies that approve courses for VA training. Pub. L. 103-446 contains a provision that now prohibits VA from doing this. The provisions of § 21.5150 are amended to reflect this statutory change.

Public Law 103-446 requires that, in order to be approved for VA training, a correspondence course must be accredited and at least 50% of the students completing the course must take at least six months to complete it. The provisions of § 21.5250(a) are amended to reflect this statutory change.

The restatements of statute and statutory interpretations contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. The dates of application for provisions covered by this document are as follows:

October 1, 1994: 38 CFR 21.5250(b).

November 2, 1994: §§ 21.5021(d),

21.5021(y), 21.5150, introductory text, and 21.5200(a).

January 31, 1995: § 21.5250(a).

The Secretary of Veterans Affairs and the Secretary of Defense hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule merely restates statutory changes and sets forth statutory interpretations. Accordingly, no proposed rulemaking was required in connection with the adoption of this final rule. Pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Under 5 U.S.C. 553 there is a basis for dispensing with prior notice and comment and for dispensing with a 30-day delay of the effective date since this final rule merely restates statutory provisions and sets forth statutory interpretations.