

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.

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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.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.120.

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: December 4, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Samuel E. Ebbesen,

Lieutenant General, USA, Deputy Assistant Secretary, (Military Personnel Policy) Department of Defense.

For the reasons set out in the preamble, 38 CFR part 21, subpart G is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

1. The authority citation for part 21, subpart G is revised to read as follows:

Authority: 38 U.S.C. chapter 32, unless otherwise noted.

2. In § 21.5021, paragraph (d) and its authority citation are revised and paragraph (y) and its authority citation are added to read as follows:

§ 21.5021 Definitions.

* * * * *

(d) *School, educational institution, institution.* The terms, *school, educational institution, and institution* mean—

(1) Any vocational school, business school, correspondence school, junior college, teacher's college, college, normal school, professional school, university or scientific or technical institution;

(2) Any public or private elementary school or secondary school which offers courses for adults; and

(3) An entity, during the period beginning on November 2, 1994, and ending on September 30, 1996, other than an institution of higher learning, that provides training required for completion of a State-approved alternative teacher certification program.

(Authority: 38 U.S.C. 3202(2), 3452(c))

* * * * *

(y) *Alternative teacher certification program.* 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.

(Authority: 38 U.S.C. 3202(2), 3452(c))

3. In § 21.5150, the introductory text is revised to read as follows:

§ 21.5150 State approving agencies.

In administering chapter 32, title 38, United States Code, VA will apply the provisions of the following sections:

* * * * *

4. In § 21.5200, paragraph (a) is revised to read as follows:

§ 21.5200 Schools.

* * * * *

(a) Section 21.4200—Definitions (with the exception of paragraph (a)).

* * * * *

5. In § 21.5250, paragraph (a), introductory text, and paragraph (b) are revised, to read as follows:

§ 21.5250 Courses.

(a) *General.* In administering benefits payable under chapter 32, title 38, U.S.C. VA and, where appropriate, the State approving agencies shall apply the following sections:

* * * * *

(b) *Flight courses.* In administering benefits payable for flight training under chapter 32, title 38, U.S.C., VA and the State approving agencies will apply the provisions of § 21.4263 of this part. Educational assistance allowance is payable only for flight training undertaken by a veteran or serviceperson after March 31, 1991.

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BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 801, 802, 803 and 806

RIN 2900-AH62

VA Acquisition Regulation: Senior Procurement Executive and Procurement Executive

AGENCY: Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs Acquisition Regulations (VAAR) to establish delegations of authority for

acquisition issues to the Assistant Secretary for Management and to the Deputy Assistant Secretary for Acquisition and Materiel Management, and to provide for further delegations of certain acquisition issues. This document also changes certain VA positions to reflect the correct titles.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT:

Wanza Lewis, Acquisition Policy Division (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-4424.

SUPPLEMENTARY INFORMATION: This final rule consists of agency organization and, consequently, pursuant to 5 U.S.C. 553, is exempt from notice and comment and effective date provisions.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The rule would not directly affect any small entities. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects

48 CFR Part 801

Government procurement, Reporting and Recordkeeping requirements.

48 CFR Part 802

Government procurement.

48 CFR Part 803

Antitrust, Conflict of Interests, Government procurement.

48 CFR Part 806

Government procurement.

Approved: December 15, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 48 CFR parts 801, 802, 803 and 806 are amended as follows:

PART 801—VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM

1. The authority citation for part 801 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

2. Section 801.602 is revised to read as follows:

801.602 Contracting officers.

(a) Except as otherwise provided by law, VA regulations, VAAR and FAR,