

Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (32)(e), of the Instruction, from further environmental documentation considering that it relates to the promulgation of operating regulations or procedures for drawbridges. Under figure 2-1,

paragraph (32)(e), of the instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Public Law 102-587, 106 Stat. 5039.

■ 2. On June 17, 2006, from 9 a.m. to 5 p.m., § 117.593 is suspended and a new § 117.T594 is added to read as follows:

117.T594 Chelsea River

(a) All drawbridges across the Chelsea River shall open on signal; except that the P.J. McArdle Bridge, mile 0.3, need not open for the passage of vessel traffic from 9 a.m. to 5 p.m. on June 17, 2006.

(b) The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast. The acknowledging signal is three prolonged blasts when the draw can be opened immediately and two prolonged blasts when the draw cannot be opened or is open and must be closed.

Dated: May 10, 2006.

Mark J. Campbell,

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

[FR Doc. 06-4668 Filed 5-18-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AM39

Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulation governing individuals and groups considered to have performed active military, naval, or air service. More

specifically, VA is expanding the regulation to include additional groups considered to have served on active military service. The need for this action results from recent decisions by the Secretary of the Air Force, and by Congress in the Department of Defense Appropriations Act, 2001, expanding the categories of people considered to have performed active military service. The effect of these actions is to confer veteran status for VA benefit purposes on former members of these groups discharged under honorable conditions. VA also is amending references to three groups already included in our regulation in order to clarify which persons are members of these groups.

DATES: *Effective Date:* This final rule is effective May 19, 2006.

Applicability Dates: See

SUPPLEMENTARY INFORMATION section for applicability dates for each new and revised group considered to have performed active military service.

FOR FURTHER INFORMATION CONTACT: Bill Russo, Chief, Policy and Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7210.

SUPPLEMENTARY INFORMATION: Section 401 of Public Law 95-202, The GI Bill Improvement Act of 1977, authorized the Secretary of Defense to determine whether the service of members of civilian or contractual groups should be considered active duty for the purposes of all laws administered by VA. In Department of Defense Directive 1000.20, September 11, 1989, the Secretary of Defense delegated this authority to the Secretary of the Air Force. In the **Federal Register** on October 1, 1999 (64 FR 53364-65), and October 21, 1999 (64 FR 56773-74), the Secretary of the Air Force published notices stating that the service of the members of the following three groups shall be considered "active duty" under the provisions of Public Law 95-202 for the purposes of all laws administered by VA: the group described as the "three scouts/guides," Miguel Tenorio, Penedicto Taisacan, and Cristino Dela Cruz, who assisted the U.S. Marines in the offensive operations against the Japanese on the Northern Mariana Islands from June 19, 1944, through September 2, 1945; the approximately 50 Chamorro and Carolinian former native policemen, who received military training in the Donnal area of central Saipan and were placed under the command of Lt. Casino of the 6th Provisional Military Police Battalion to accompany United States Marines on

active combat-patrol activity from August 19, 1945, to September 2, 1945; and the Operational Analysis Group of the Office of Scientific Research and Development, Office of Emergency Management, which served overseas with the U.S. Army Air Corps from December 7, 1941, through August 15, 1945. We are including these three groups in 38 CFR 3.7(x).

In section 8147 of the Department of Defense Appropriations Act, 2001, Congress determined that service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged shall be considered active duty for the purposes of all laws administered by the Secretary of VA. In 38 CFR 3.7(y), we are including this group to be considered as having performed active military service.

In 38 CFR 3.7(x), we are also including additional information concerning three groups already recognized. The first group is "Civilian Crewmen of the United States Coast and Geodetic Survey (USCGS) vessels, Who Performed Their Service * * * Within a Time Frame of December 7, 1941, to August 15, 1945." The Secretary of the Air Force has added three previously omitted vessels, Oceanographer, Hydrographer, and Pathfinder, to the list of qualifying vessels upon which members of these groups must have served, 57 FR 24600, June 10, 1992; the revised regulation lists all qualifying vessels. We have amended the title of the group "Engineer Field Clerks" to the more complete "Engineer Field Clerks (WWI)." 44 FR 55622, September 27, 1979. The third group is "U.S. Civilian Flight Crew and Aviation Ground Support Employees of Transcontinental and Western Air (TWA), Inc., Who Served Overseas as a Result of TWA's Contract with the Air Transport Command During the Period December 14, 1941, through August 14, 1945." On February 21, 2003, the Secretary of the Air Force determined that "Flight Crew" includes pursers. 68 FR 11068, March 7, 2003.

VA will apply the new and revised provisions in determining veteran status for periods on and after (1) the date the Secretary of Defense determined that the service of the group constituted active military service, or (2) the date the public law certifying such service took effect. Accordingly, the applicability date for members of the approximately 50 Chamorro and Carolinian former native policemen is September 30, 1999, the date on which the Secretary of the Air Force determined that such service constituted active duty. The applicability date for the three scouts/

guides, Miguel Tenorio, Penedicto Taisacan, and Cristino Dela Cruz, is also September 30, 1999. The applicability date for the Operational Analysis Group of the Office of Scientific Research and Development, Office of Emergency Management is August 27, 1999. The applicability date for members of the Alaska Territorial Guard is August 9, 2000, the date on which Congress enacted The Department of Defense Appropriations Act, 2001. The applicability date for the Civilian Crewmen of the United States Coast and Geodetic Survey vessels is April 8, 1991; the applicability date for the Engineer Field Clerks is August 31, 1979; and the applicability date for the U.S. Civilian Flight Crew and Aviation Ground Support Employees of TWA is May 13, 1992.

Administrative Procedure Act

Because this amendment merely reflects determinations previously announced by the Secretary of the Air Force and by Congress, and establishes no new requirements, publication as a proposal for public notice and comment is unnecessary. Accordingly, there is a basis for dispensing with prior notice and comment and the delayed effective date provisions of 5 U.S.C. 553.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Even so, 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.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Order classifies a rule as a significant regulatory action requiring review by the Office of Management and Budget if it meets any one of a number of specified conditions, including: Having an annual effect on the economy of \$100

million or more, creating a serious inconsistency or interfering with an action of another agency, materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. VA has examined the economic, legal, and policy implications of this final rule and has concluded that it is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Numbers and Titles

The Catalog of Federal Domestic Assistance program numbers and titles for this proposal are 64.100, Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces; 64.101, Burial Expenses Allowance for Veterans; 64.102, Compensation for Service-Connected Deaths for Veterans' Dependents; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.105, Pension to Veterans Surviving Spouses, and Children; 64.106, Specially Adapted Housing for Disabled Veterans; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: May 8, 2006.

Gordon H. Mansfield,
Deputy Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

- 2. Section 3.7 is amended by:
 - a. Revising paragraphs (x)(3), (x)(20), and (x)(23).
 - b. Adding paragraphs (x)(31) through (x)(33) immediately after paragraph (x)(30).
 - c. Removing the second authority citation that appears at the end of paragraph (x).
 - d. Adding paragraph (y) immediately after the authority citation at the end of paragraph (x).

The revisions and additions read as follows:

§ 3.7 Individuals and groups considered to have performed active military, naval, or air service.

* * * * *

(x) * * *
(3) Engineer Field Clerks (WWI).

* * * * *

(20) Civilian Crewmen of United States Coast and Geodetic Survey (USCGS) Vessels Who Performed Their Service in Areas of Immediate Military Hazard While Conducting Cooperative Operations with and for the United States Armed Forces Within a Time Frame of December 7, 1941, to August 15, 1945 on a qualifying USCGS vessel. Qualifying USCGS vessels are the Derickson, Explorer, Gilbert, Hilgard, E. Lester Jones, Lydonia, Patton, Surveyor, Wainwright, Westdahl, Oceanographer, Hydrographer, and Pathfinder.

* * * * *

(23) U.S. Civilian Flight Crew and Aviation Ground Support Employees of Transcontinental and Western Air (TWA), Inc., Who Served Overseas as a Result of TWA's Contract with the Air Transport Command During the Period December 14, 1941, through August 14, 1945. The "Flight Crew" includes pursers.

* * * * *

(31) The approximately 50 Chamorro and Carolinian former native policemen who received military training in the Donnal area of central Saipan and were placed under the command of Lt. Casino of the 6th Provisional Military Police Battalion to accompany United States Marines on active, combat-patrol activity from August 19, 1945, to September 2, 1945.

(32) Three scouts/guides, Miguel Tenorio, Penedicto Taisacan, and Cristino Dela Cruz, who assisted the United States Marines in the offensive operations against the Japanese on the Northern Mariana Islands from June 19, 1944, through September 2, 1945.

(33) The Operational Analysis Group of the Office of Scientific Research and

Development, Office of Emergency Management, which served overseas with the U.S. Army Air Corps from December 7, 1941, through August 15, 1945.

* * * * *

(y) *Alaska Territorial Guard*: Members of the Alaska Territorial Guard during World War II who were honorably discharged from such service as determined by the Secretary of Defense.

Authority: 38 U.S.C 106(f).

[FR Doc. 06-4671 Filed 5-18-06; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AM24

Remarriage of a Surviving Spouse

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is issuing this final rule to amend its adjudication regulations regarding benefits for surviving spouses to reflect statutory changes that affect the eligibility of those surviving spouses who remarry after ages 55 and 57. These amendments are necessary to conform the regulations to statutory provisions.

DATES: Effective Date: This final rule is effective May 19, 2006.

Applicability Dates: VA will apply the amendments in this final rule to 38 CFR 3.55 in accordance with the effective dates specified by Congress for the statutory changes reflected in this rule. Accordingly, the amendment that adds 38 CFR 3.55(a)(9) will apply to CHAMPVA eligibility for periods on or after February 4, 2003. The amendment that adds 38 CFR 3.55(a)(10) will apply to the benefits specified in that paragraph for periods on or after January 1, 2004. See the **SUPPLEMENTARY INFORMATION** section for additional information pertaining to dates of remarriage.

FOR FURTHER INFORMATION CONTACT: Maya Ferrandino, Consultant, Compensation and Pension Service, Policy and Regulations Staff, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7211.

SUPPLEMENTARY INFORMATION: The Veterans Benefits Act of 2002, Public Law 107-330, and the Veterans Benefits Act of 2003, Public Law 108-183, amended title 38, United States Code, to provide eligibility for certain VA