

spectator craft from the hazards associated with high speed powerboat racing.

**EFFECTIVE DATE:** This rule is effective from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York, (212) 668-7934.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and this regulation is being made effective in less than 30 days as good cause exists for not publishing an NPRM and making this regulation effective in less than 30 days. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would effectively cancel this event. Cancellation of this event is contrary to public interest.

**Background and Purpose**

On March 16, 1995, the Greenwood Lake Powerboat Association and the West Milford Chamber of Commerce submitted an application to hold a powerboat race on the waters of Greenwood Lake. The safety zone encompasses a southern portion of Greenwood Lake, shore to shore, south of latitude 41°09' N, and north of latitude 41°08' N. The safety zone is rectangular in shape with the northern and southern boundaries both marked by four temporary buoys. The safety zone is in effect from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York. This safety zone precludes all vessels from transiting this portion of Greenwood Lake and is needed to protect mariners from the hazards associated with high speed powerboats racing in confined waters.

**Regulatory Evaluation**

This regulation is not a significant regulatory action under section 3(f) of

Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a one mile segment in the southern portion of Greenwood Lake to all vessel traffic from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons. Due to the limited duration of the race; that the event is taking place on an inland lake which has no commercial traffic; and that this is an annual event with local support, the impact of this regulation is expected to be so minimal that a Regulatory Evaluation is unnecessary.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

**Federalism**

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the powerboat race will be conducted in conjunction with the marine event permitting process.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

**Regulation**

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

**PART 165—[AMENDED]**

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

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01-037, is added to read as follows:

**§ 165.T01-037 Safety Zone; Greenwood Lake Powerboat Race, Greenwood Lake, New Jersey.**

(a) *Location.* The waters of Greenwood Lake, shore to shore, south of latitude 41°08' N.

(b) *Effective period.* This safety zone is in effect from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 13, 1995.

**T.H. Gilmour,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 95-10069 Filed 4-21-95; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS  
AFFAIRS

## 38 CFR Part 21

RIN 2900-AH25

**Veterans Education: Establishing  
Eligibility Under the Montgomery GI  
Bill—Active Duty**

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

**SUMMARY:** This document amends the Vocational Rehabilitation and Education regulations to reflect the statutory requirement that individuals seeking to establish eligibility for educational assistance under the Montgomery GI Bill—Active Duty through a combination of active duty service and service in the Selected Reserve must enter the Selected Reserve within one year of discharge from active duty.

**EFFECTIVE DATE:** December 18, 1989, the date this requirement became effective.

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

**SUPPLEMENTARY INFORMATION:** The Secretary of Veterans Affairs 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. 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 final rule merely reflects statutory requirements. Further, the final rule affects only individuals, and does not directly affect small entities.

**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: March 21, 1995.

**Jesse Brown,**

Secretary of Veterans Affairs.

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

PART 21—VOCATIONAL  
REHABILITATION AND EDUCATION**Subpart K—All Volunteer Force  
Educational Assistance Program (New  
GI Bill)**

1. 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. 510(a).

2. In § 21.7042 paragraph (b)(4) and its authority citation are revised to read as follows:

**§ 21.7042 Basic eligibility requirements.**

\* \* \* \* \*

(b) \* \* \*

(4) Except as provided in paragraph (b)(7) of this section, after completion of active duty service, the individual must serve at least four continuous years of service in the Selected Reserve. An individual whose release from active duty service occurs after December 17, 1989, must begin this service in the Selected Reserve within one year from the date of his or her release from active duty. During this period of service in the Selected Reserve the individual must satisfactorily participate in training as prescribed by the Secretary concerned.

(Authority: 38 U.S.C. 3012(a)(1); Pub. L. 100-689, Pub. L. 101-237)

\* \* \* \* \*

[FR Doc. 95-9990 Filed 4-21-95; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**Health Care Financing Administration****42 CFR Part 493**

[HSQ-216-FC]

RIN 0938-AG71

**CLIA Program; Categorization of Tests  
and Personnel Modifications**

**AGENCY:** Health Care Financing Administration (HCFA) and Public Health Service (PHS), HHS.

**ACTION:** Final rule with comment period.

**SUMMARY:** In this rule we are responding to some of the comments on categorization of tests and personnel requirements received in response to rules published on February 28, 1992 and January 19, 1993. (In a future rule, we will be responding to the remaining comments.) We are revising our regulations to: Allow dentists and midlevel practitioners to perform tests in the "physician-performed"

microscopy (PPM) subcategory of moderate complexity procedures (we now call the subcategory "provider-performed"); include three additional tests in PPM; and expand provisions relating to general supervisor and high complexity testing personnel.

**DATES:** *Effective date:* These regulations are effective April 24, 1995.

*Comment date:* Comments on the addition of three PPM tests will be considered if we receive them at the appropriate address, as provided under **ADDRESSES**, no later than 5 p.m. on June 23, 1995.

**ADDRESSES:** Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HSQ-216-FC, P.O. Box 26676, Baltimore, MD 21207.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201,  
or  
Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HSQ-216-FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

For comments that relate to information collection requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

**Copies:** To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202)