

to review the data in the corrected administrative record and to submit comments to the agency with the important public health interests involved.

Moreover, the agency does not intend to provide any additional extensions of the comment period. Interested persons will have 75 days to consider these materials and comment to the agency, if desired. Interested persons already have had 75 days to review the concepts in the proposed rule and the data in the administrative record, which represent the great bulk of the material in the updated and corrected administrative record. Much of the material in the administrative record has been on display at the Dockets Management Branch since long before the proposed rule was published on June 4, 1997. A notice appeared in the **Federal Register** of September 21, 1995 (60 FR 49194), announcing: The availability of AER's associated with the use of dietary supplements containing ephedrine alkaloids; redacted copies of accompanying medical records, where available; and a bibliography of published medical and scientific literature relevant to the AER's. Much of the clinical data and other information has been in the administrative record either since October 1995, the date of the meeting of the Special Working Group on Dietary Supplements Containing Ephedrine Alkaloids (Working Group) or since August 1996, the date of the meeting of the Food Advisory Committee and Special Working Group. Other than the new information announced in this document, the agency has not added new data to the administrative record since January 1997. Nevertheless, for the reasons mentioned earlier in this notice, the agency is providing a new, full 75-day comment period that is equal to the comment period that FDA provided when it published the initial proposal. Thus, FDA is providing a total of 150 days for comment in this proceeding.

Interested persons may on or before December 2, 1997, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 12, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AI58

Veterans Education: Reduction in Required Reports

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). It proposes to change the nature of the information to be reported by veterans and servicemembers receiving educational assistance under the Montgomery GI Bill—Active Duty program and the number of reports required of educational institutions in which these veterans and servicemembers are enrolled. It appears that these changes would streamline the operation of this program and reduce the information collection burden for this program, while maintaining the program's integrity. This document also requests Paperwork Reduction Act comments concerning the collections of information contained in this document.

DATES: Comments must be received on or before November 17, 1997.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AI58". All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

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

SUPPLEMENTARY INFORMATION: This document proposes to amend the "ALL VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM (MONTGOMERY GI BILL—ACTIVE DUTY)" regulations set forth at 38 CFR

Part 21, Subpart K. Except for correspondence course enrollments, a veteran or servicemember receiving educational assistance under these provisions is required to verify, after the fact, pursuit of a program of education each month (referred to below as monthly verification). Current regulations specify the information that must be reported in the monthly verification. Except in advance payment and lump sum payment cases, VA does not pay educational assistance until VA receives this monthly verification.

Since pursuit of a program of education is a necessary prerequisite to receipt of educational assistance under the educational programs VA administers, current regulations also require (see § 21.7156) a veteran or servicemember to report, on a "without delay" basis (referred to below as "without delay" reporting), each change in her or his hours of credit being pursued and any changes in the status of his or her pursuit of the program. This duty to provide "without delay" reporting is in addition to the monthly verification described above. Further, under § 21.7156 educational institutions also are required "without delay" or within specified time frames (all reporting required of educational institutions "without delay" or within specified time frames is referred to below as "without delay" reporting) to report changes in the number of hours of credit pursued and changes in attendance.

The common purpose of these information collections is to allow VA to determine whether a veteran or servicemember continues to be entitled to educational assistance and, if so, to release the monthly payment to the veteran or servicemember.

However, it does not appear necessary to obtain monthly verification from a veteran who has received an advance payment for the month in question. Advance payments are not submitted by VA directly to the veteran. Instead, they are delivered to the educational institution where the veteran is pursuing a program of education. If the veteran does not begin training, the educational institution returns the payment to VA instead of delivering it to the veteran. Accordingly, it appears that no useful purpose is served by requiring a veteran to provide a monthly verification concerning pursuit of a program of education for a month for which he or she has received an advance payment. Therefore, it is proposed to amend § 21.7154 to eliminate the requirement that the veteran provide monthly verification for those monthly periods for which

advance payments have been made through the institution. If the veteran does have a change in status or enrollment during that period after receipt of the payment, he or she, and the educational institution, still would remain obligated to provide VA notification by "without delay" reporting (see § 21.7156).

By statute (38 U.S.C. 3034(c)) VA is required to make lump-sum payments to veterans and servicemembers for an entire term, quarter, or semester when the veteran or servicemember is attending less than half-time. Inasmuch as these individuals do not receive payments each month, it appears that monthly verification is not needed to release such a payment. Again, the veteran or servicemember and the educational institution would still be obligated to provide VA "without delay" reporting of any relevant changes in status or enrollment that may occur after the release of the lump-sum payment (see § 21.7156). Therefore, it appears that no useful purpose is served by requiring these individuals to provide monthly verification.

Accordingly, it is proposed to amend § 21.7154 to eliminate this requirement.

Furthermore, under the current § 21.7154 a veteran is required to certify in the monthly verification actual class attendance. Before December 18, 1989, VA was required by statute to reduce an individual's monthly educational assistance if that individual were pursuing a course not leading to a standard college degree and had excessive absences. VA is no longer required by statute to make those reductions. Accordingly, it appears that actual attendance certification is no longer necessary to be included in a monthly verification. It is proposed to amend § 21.7154 to eliminate this requirement.

With respect to veterans in courses not leading to a standard college degree, the regulations require monthly certification of attendance from a veteran. Some have questioned whether the regulations require the veteran's certification also to contain a report from the educational institution. In those cases in which no status change occurred during the previous month, the educational institution's verification was not intended to be included. It is unnecessary and delays receipt of the document by VA. In cases where a change occurs, the educational institution must submit that information within the time frames for "without delay" reporting, but may do so separately. Accordingly, it is proposed to change § 21.7156 to more clearly set forth the intended meaning.

Occasionally, a veteran or servicemember will enroll in more hours than the minimum required to be a full-time student under the statute. Often such a student, provided he or she is enrolled in a standard term, quarter, or semester, will add or drop courses with no effect on his or her status as a full-time student and payment to the student will not be affected. It is proposed that under these circumstances, neither the student nor the educational institution would be required to report the changes. Such reporting would not appear to be necessary since the changes would not affect payment to the student. However, when the student is enrolled in a nonstandard term, VA is proposing to continue to require such a student and the educational institution to report all credit hour changes by "without delay" reporting. Under the regulatory criteria for determining what constitutes a full-time enrollment in a nonstandard term, complicated computation is necessary in each individual case. Since the student may not be able readily to make those calculations, he or she would be less likely to be able to ascertain whether the change in credit hour status should be reported to VA.

Additional changes are included in the proposed rule for purposes of clarity.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), collections of information are set forth in the proposed 38 CFR 21.7154, 21.7156(a), and 21.7156(b). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to the Office of Management and Budget (OMB) for its review of the collections of information.

OMB assigns control numbers to collections of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AI58."

Title: Monthly verification of pursuit.

Summary of collection of information: The collection of information in the proposed §§ 21.7154 and 21.7156(a) would implement a statutory provision that permits, but does not require, VA to require reports showing an eligible veteran's satisfactory pursuit of a program of education before releasing a payment of educational assistance. The statute specifically allows a monthly certification received from the veteran to satisfy this requirement. VA estimates that adoption of the proposed changes to § 21.7154 would annually eliminate at least 500 reports that individuals are currently required to submit and also would shorten other reports, and thereby reduce the total annual reporting burden on individuals by 5,739 hours.

Description of need for information and proposed use of information: The information that would be required under §§ 21.7154 and 21.7156(a) is needed to help VA determine whether educational assistance should continue to be paid to a veteran and to verify the correct monthly rate of educational assistance payable to a veteran. The monthly rate is based on the student's training time, which in turn is based on the number of credit hours in which the student is enrolled.

Description of likely respondents: Veterans eligible to receive educational assistance under the Montgomery GI Bill—Active Duty program.

Estimated number of respondents: 318,129.

Estimated frequency of responses: Monthly while the veteran continues to pursue a program of education, provided the veteran has not been paid in a lump sum.

Estimated average burden per collection: 5 minutes.

Estimated total annual reporting and recordkeeping burden: 185,571 hours of reporting burden. VA estimates that there will be no recordkeeping burden.

Title: Report of Change in Enrollment.

Summary of collection of information: The collection of information in the proposed revisions to § 21.7156(b) would implement a statutory provision that requires an educational institution to report without delay changes, including interruptions and terminations, in a veteran's or servicemember's enrollment. VA estimates that adoption of these proposed changes would annually eliminate 21,841 reports that educational institutions are currently required to submit and reduce the total annual reporting burden on educational institutions by 1,830 hours.

Description of need for information and proposed use of information: The

information required in § 21.7156(b) is needed to help VA determine the monthly rate of educational assistance payable to a veteran or servicemember. The monthly rate is based on the student's training time, which in turn is based on the number of credit hours in which the student is enrolled.

Description of likely respondents: Educational institutions.

Estimated number of respondents: 7,481.

Estimated frequency of responses: Occasionally, when a veteran or servicemember changes her or his pursuit of a program of education, unless the individual was a full-time student both before and after the change.

Estimated average burden per collection: 5 minutes.

Estimated total annual reporting and recordkeeping burden: 52,230 hours of reporting burden. VA does not believe that there will be additional recordkeeping burden.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proposed performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected;
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the proposed collections of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

Executive Order 12866

This proposed rule has been reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this proposed rule, if promulgated, would 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 adoption of the proposed rule would have only minuscule effects on the activity of any educational institution. Pursuant to 5 U.S.C. 605(b), this proposed rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this proposed rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: September 5, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out above, 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 (Montgomery GI Bill—Active Duty)

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

Authority: 38 U.S.C. 501(a), 38 U.S.C. chs. 30, 36, unless otherwise noted.

2. In § 21.7154, paragraphs (a) and (b) are redesignated as paragraphs (b) and (c), respectively; newly redesignated paragraph (b)(2)(i) is amended by removing “payment,” and adding, in its place, “payment;”; newly redesignated paragraph (b)(2)(ii) is amended by removing “period, and” and adding, in its place, “period; and”; paragraph (a) is added, and the introductory text for the section, the paragraph heading for newly redesignated paragraph (b), and newly redesignated paragraph (b)(1) are revised, to read as follows:

§ 21.7154 Pursuit and absences.

Except as provided in this section, an individual must submit a verification to VA each month of his or her enrollment during the period for which the individual is to be paid. This verification shall be in a form prescribed by the Secretary.

(a) *Exceptions to the monthly verification requirement.* An individual does not have to submit a monthly verification as described in the introductory text of this section when the individual—

(1) Is enrolled in a correspondence course;

(2) Has received a lump-sum payment for the training completed during a month; or

(3) Has received an advance payment for the training completed during a month.

(Authority: 38 U.S.C. 3034, 3684)

(b) *Items to be reported on all monthly verifications.* (1) The monthly verification for all veterans and servicemembers will include a report on the following items when applicable:

(i) Continued enrollment in and actual pursuit of the course;

(ii) The individual's unsatisfactory conduct, progress, or attendance;

(iii) The date of interruption or termination of training;

(iv) Changes in the number of credit hours or in the number of clock hours of attendance other than those described in § 21.7156(a);

(v) Nonpunitive grades; and

(vi) Any other changes or modifications in the course as certified at enrollment.

* * * * *

3. In § 21.7156, the introductory text and paragraph (a) introductory text are removed; paragraphs (a)(1), (a)(2), (a)(3), (b), and (c) are redesignated as paragraphs (b)(3), (b)(4), (b)(5), (c), and (d), respectively; newly redesignated paragraph (c)(2) is amended by removing “(b)(1)” and adding, in its place, “(c)(1)”; and the section heading is revised, paragraphs (a), (b)(1), and (b)(2) are added, and newly redesignated paragraph (b)(3) is revised, to read as follows:

§ 21.7156 Other required reports.

(a) *Reports from veterans and servicemembers.* (1) A veteran or servicemember enrolled full time in a program of education for a standard term, quarter, or semester must report without delay to VA:

(i) A change in his or her credit hours or clock hours of attendance if that change would result in less than full-time enrollment;

(ii) Any change in his or her pursuit that would result in less than full-time enrollment; and

(iii) Any interruption or termination of his or her attendance.

(2) A veteran or servicemember not described in paragraph (a)(1) of this section must report without delay to VA:

(i) Any change in his or her credit hours or clock hours of attendance;

(ii) Any change in his or her pursuit; and

(iii) Any interruption or termination of his or her attendance.

(Authority: 38 U.S.C. 3680(g))

(b) *Interruptions, terminations, or changes in hours of credit or attendance.* (1) Except as provided in paragraph (b)(2) of this section, an educational institution must report without delay to VA each time a veteran or servicemember:

(i) Interrupts or terminates his or her training for any reason; or

(ii) Changes his or her credit hours or clock hours of attendance.

(2) An educational institution does not need to report a change in a veteran's or servicemember's hours of credit or attendance when:

(i) The veteran or servicemember is enrolled full time in a program of education for a standard term, quarter, or semester before the change;

(ii) The veteran or servicemember continues to be enrolled full time after the change; and

(iii) The tuition and fees charged to the servicemember have not been adjusted as a result of the change.

(Authority: 38 U.S.C. 3034, 3684)

(3) If the change in status or change in number of credit hours or clock hours of attendance occurs on a day other than one indicated by paragraph (b)(4) or (b)(5) of this section, the educational institution will initiate a report of the change in time for VA to receive it within 30 days of the date on which the change occurs.

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[FR Doc. 97-24776 Filed 9-17-97; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MI 52-01-7260; FRL-5894-6]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of the requested revisions to the Michigan State Implementation Plan (SIP) for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter and lead. The requested revisions are Michigan's Emissions Averaging and Emission Reduction Credit Trading Rules and supporting documents. These rules were submitted by the State of Michigan on April 17, 1996 as an optional revision to the SIP. The EPA has determined through its evaluation of the rules that they can be approvable upon submission of corrections to certain deficiencies that are identified in this notice.

DATES: Comments on this proposed action must be received by October 20, 1997.

ADDRESSES: Written comments should be addressed to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and EPA's analysis (Technical Support Document) are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Alexis Cain or Rick Tonielli before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Alexis Cain at (312) 886-7018 or Rick Tonielli at (312) 886-6068.

SUPPLEMENTARY INFORMATION:

I. Background

Michigan submitted these rules as a SIP revision to allow sources of emissions of ozone precursors (NO_x and VOCs) and non-ozone criteria pollutants (CO, SO₂, NO₂, PM-10 and lead) flexibility in complying with requirements already in the SIP. The program provides emissions sources with a financial incentive to reduce emissions below levels required by applicable Federal and State requirements and below their actual emissions of the recent past. Sources that make these extra reductions beyond requirements generate emission reduction credits (ERCs) that they can use later or sell to other sources. ERCs may be used by sources to comply with emissions limits. The program is not a means of limiting emissions; instead, trading and averaging are meant to provide an opportunity to comply with

existing emission limits in a more cost effective manner. Michigan's emissions trading credit and averaging rules are not a required SIP submission under the Clean Air Act (the Act).

Outline of State Program

Michigan's SIP submittal includes both "open market" trading and emissions averaging. In an open market trading system, credits are first generated, then subsequently traded, so that generation and use of the credit are separated in time. Open market programs rely on continual credit generation to ensure that use of previously generated credits is balanced by generation of new credits, so that "spikes" in emissions are not created by credit use. Sources participating in an open market trading program generate discrete emission reductions, referred to as emission reduction credits (ERCs) in the Michigan program, by reducing emissions below a baseline over a discrete time period. The generation baseline is established by existing requirements, and is determined by the lower of allowable emissions or actual past emissions. Credits can either be used at a later time by the generator source or be sold to another source; the use of credits allows a source to emit above its emission limit while remaining in compliance.

The Michigan program also allows emissions averaging at sources that are subject to Reasonably Available Control Technology (RACT) requirements and are under common ownership and control. Under Michigan's emissions averaging provisions, one source can exceed a permitted emissions limit, as long as there is a simultaneous reduction, equaling 110 percent of the exceedance, at another source under the same ownership or control, but not necessarily at the same location. In both the open market and emission averaging provisions of Michigan's rule, 10 percent of the emission reductions generated are retired for an environmental benefit.

Sources can trade and average emissions of volatile organic compounds (VOCs) as a group, nitrogen oxides (NO_x), and all criteria pollutants other than ozone. VOC and NO_x ERCs must be designated as either ozone season or non-ozone season credits; VOC and NO_x ERCs generated outside of the ozone season cannot be used during the ozone season.

Under the Michigan plan, sources which generate ERCs or engage in emissions averaging must provide the Michigan Department of Environmental Quality (MDEQ) with a notice that includes information about the source