

Dated: June 3, 1996.

Les Jin,  
General Counsel.

Accordingly the interim rule amending 22 CFR Part 514 which was published at 61 FR 15372 on April 8, 1996, is adopted as a final rule with the following changes:

#### **PART 514—EXCHANGE VISITOR PROGRAM**

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1258; 22 U.S.C. 1431–1442, 2451–2460; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR, 1977 Comp. p 200; E.O. 12048, 43 FR 13361, 3 CFR, 1978 Comp. p 168, USIA Delegation Order No. 85–5 (50 FR 27393.)

2. Section 514.20 is amended by revising paragraphs (d), (i), and (j) to read as follows:

##### **§ 514.20 Professors and research scholars.**

\* \* \* \* \*

(d) *Visitor eligibility.* An individual may be selected for participation in the Exchange Visitor Program as a professor or research scholar subject to the following conditions:

(i) The participant shall not be a candidate for tenure track position; and

(ii) The participant has not been physically present in the United States as a nonimmigrant pursuant to the provisions of 8 U.S.C. 1101(a)(15)(J) for all or part of the twelve month period immediately preceding the date of program commencement set forth on his or her Form IAP–66, unless:

(A) The participant is transferring to the sponsor's program as provided in § 514.42; or

(B) The participant's presence in the United States was of less than six months duration; or

(C) The participant's presence in the United States was pursuant to a Short-term scholar exchange activity as authorized by § 514.21.

\* \* \* \* \*

(i) *Duration of participation.* The permitted duration of program participation for a professor or research scholar shall be as follows:

(1) *General limitation.* The professor and research scholar shall be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete his or her program, which time shall not exceed three years.

(2) *Exceptional circumstance.* The Agency may authorize a designated Exchange Visitor Program sponsor to conduct an exchange activity requiring a period of program duration in excess of three years. A sponsor seeking to

conduct a discrete activity requiring more than the permitted three years of program duration, but less than six years of program duration, shall make written request to the Agency and secure written Agency approval. Such request shall include:

(i) A detailed explanation of the discrete exchange activity; and

(ii) A certification that the participation of selected research scholars will be financed directly by United States or foreign government funds.

(3) *Change of category.* A change between the categories of professor and research scholar shall not extend an exchange visitor's permitted period of participation beyond three years.

(j) *Extension of program.* Professors and research scholars may be authorized program extensions as follows:

(1) *Responsible officer authorization.* A responsible officer may extend, in his or her discretion and for a period not to exceed six months, the three year period of program participation permitted under § 514.20(i). The responsible officer exercising his or her discretion shall do so only upon his or her affirmative determination that such extension is necessary in order to permit the research scholar or professor to complete a specific project or research activity.

(2) *Agency authorization.* The Agency may extend, upon request and in its sole discretion, the three year period of program participation permitted under § 514.20(i). A request for Agency authorization to extend the period of program participation for a professor or research scholar shall:

(i) Be submitted to the Agency, unless prevented by extraordinary circumstance, no less than 60 days prior to the expiration of the participant's permitted three year period of program participation; and

(ii) Present evidence, satisfactory to the Agency, that such request is justified due to exceptional or unusual circumstances and is necessary in order to permit the researcher or professor to complete a specific project or research activity.

(3) *Timeliness.* The Agency will not review a request for Agency authorization to extend the three year period of program participation permitted under § 514.20(i) unless timely filed; provided, however, that the Agency reserves the right to review a request that is not timely filed due to extraordinary circumstance.

(4) *Final decision.* The Agency anticipates it will respond to requests for Agency authorization to extend the three year period of program

participation permitted under § 514.20(i) within 30 days of Agency receipt of such request and supporting documentation. Such response shall constitute the Agency's final decision.

[FR Doc. 96–14390 Filed 6–7–96; 8:45 am]

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#### **DEPARTMENT OF LABOR**

#### **Mine Safety and Health Administration**

#### **30 CFR Part 75**

RIN 1219–AA11

#### **Safety Standards for Underground Coal Mine Ventilation**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Final rule; corrections.

**SUMMARY:** This document corrects errors in the final rule for underground coal mine ventilation which appeared in the Federal Register on March 11, 1996 (61 FR 9764).

**EFFECTIVE DATE:** June 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

**SUPPLEMENTARY INFORMATION:** On March 11, 1996, MSHA published a final rule to revise its safety standards for underground coal mine ventilation. This document corrects errors that appeared in the final rule.

Sections 75.325, 75.326, and 75.330 each refer to provisions in the final rule that limit exposure to methane, respirable dust, or other harmful gases. In each case it was not the Agency's intent to modify the limits set in these standards. No changes were proposed and the current versions that appear in the 1995 compilation of the Code of Federal Regulations are correct. Therefore, to address questions raised and to clarify the intent of the Agency, the language in these standards is being corrected to re-state the language of the existing standards.

Sections 75.301, 75.333(d) (1), (e)(3), and (f), and 75.335(a)(1)(iv) and (a)(2) are being corrected to include information concerning the availability of the incorporated documents, where the incorporated documents may be inspected, and the Federal Register approval for incorporation by reference of the documents. No changes were proposed and the current versions that appear in the 1995 compilation of the Code of Federal Regulations are correct. The final rule language for § 75.333 Ventilation controls, inadvertently

omits the information concerning the availability of the document incorporated by reference in (e)(1)(i). This document adds that language.

#### Correction of Publication

The final rule for safety standards for underground coal mine ventilation that appeared in the Federal Register on March 11, 1996 (61 FR 9764) is corrected as follows:

1. On page 9829, in the second column, in § 75.301, in the definition of *noncombustible structure or area*, three sentences are added following the last sentence to read as follows:

#### § 75.301 Definitions.

\* \* \* \* \*

##### *Noncombustible Structure or Area.*

\* \* \* The publication ASTM E119-88, "Standard Test Methods for Fire Tests of Building Construction and Materials" is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

2. On page 9829, in the second column, in § 75.301, in the definition of *noncombustible material*, three sentences are added following the last sentence to read as follows:

\* \* \* \* \*

*Noncombustible Material.* \* \* \* The publication ASTM E119-88, "Standard Test Methods for Fire Tests of Building Construction and Materials" is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

3. On page 9833, in the second column, in § 75.325, the first sentence in

paragraph (c)(2), is corrected to read as follows:

#### § 75.325 Air quantity.

\* \* \* \* \*

(c) \* \* \*

(2) The velocity of air that will be provided to control methane and respirable dust in accordance with applicable standards on each longwall or shortwall and the locations where these velocities will be provided shall be specified in the approved ventilation plan. \* \* \*

\* \* \* \* \*

4. On page 9833, in the second column, in § 75.326, the second sentence is corrected to read as follows:

\* \* \* \* \*

\* \* \* A lower mean entry air velocity may be approved in the ventilation plan if the lower velocity will maintain methane and respirable dust concentrations in accordance with the applicable levels. \* \* \*

\* \* \* \* \*

5. On page 9833, in the third column, in § 75.330, the second sentence of paragraph (b)(2), is corrected to read as follows:

#### § 75.330 Face ventilation control devices.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \* Alternative distances specified shall be capable of maintaining concentrations of respirable dust, methane, and other harmful gases, in accordance with the levels specified in the applicable sections of this chapter.

\* \* \* \* \*

6. On page 9834, in the third column, in § 75.333, paragraph (d)(1) is corrected to read as follows:

#### § 75.333 Ventilation controls.

\* \* \* \* \*

(d) \* \* \*

(1) Made of noncombustible material or coated on all accessible surfaces with flame-retardant materials having a flame-spread index of 25 or less, as tested under ASTM E162-87, "Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source." This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing Materials (ASTM), 1916 Race Street, Philadelphia,

Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

7. On page 9834, in the third column, in § 75.333, paragraph (e)(1)(i) is corrected to read as follows:

\* \* \* \* \*

(e)(1)(i) Except as provided in paragraphs (e)(2), (e)(3) and (e)(4) of this section all overcasts, undercasts, shaft partitions, permanent stoppings, and regulators, installed after June 10, 1996, shall be constructed in a traditionally accepted method and of materials that have been demonstrated to perform adequately or in a method and of materials that have been tested and shown to have a minimum strength equal to or greater than the traditionally accepted in-mine controls. Tests may be performed under ASTM E72-80, "Standard Methods of Conducting Strength Tests of Panels for Building Construction" (Section 12—Transverse Load—Specimen Vertical, load, only), or the operator may conduct comparative in-mine tests. In-mine tests shall be designed to demonstrate the comparative strength of the proposed construction and a traditionally accepted in-mine control. The publication ASTM E72-80, "Standard Methods of Conducting Strength Tests of Panels for Building Construction" is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

8. On page 9835, in the first column, in § 75.333, paragraph (e)(3) is corrected to read as follows:

\* \* \* \* \*

(e) \* \* \*

(3) When timbers are used to create permanent stoppings in heaving or caving areas, the stoppings shall be coated on all accessible surfaces with a flame-retardant material having a flame-spread index of 25 or less, as tested under ASTM E162-87, "Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy

Source." This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

9. On page 9835, in the first column, in § 75.333, paragraph (f) is corrected to read as follows:

\* \* \* \* \*

(f) When sealants are applied to ventilation controls, the sealant shall have a flame-spread index of 25 or less under ASTM E162-87, "Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source." This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

10. In the rule, on page 9835, in the third column, § 75.335, paragraph (a)(1)(iv) is corrected to read as follows:

#### **§ 75.335 Construction of seals.**

(a)(1) \* \* \*

(iv) Coated on all accessible surfaces with flame-retardant material that will minimize leakage and that has a flame-spread index of 25 or less, as tested under ASTM E162-87, "Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source." This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition,

copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

11. On page 9835, in the third column, in § 75.335, paragraph (a)(2) is corrected to read as follows:

(a)(1) \* \* \*

(2) Alternative methods or materials may be used to create a seal if they can withstand a static horizontal pressure of 20 pounds per square inch provided the method of installation and the material used are approved in the ventilation plan. If the alternative methods or materials include the use of timbers, the timbers also shall be coated on all accessible surfaces with flame-retardant material having a flame-spread index of 25 or less, as tested under ASTM E162-87, "Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source." This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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Dated: May 28, 1996.

J. Davitt McAteer,

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 96-14109 Filed 6-7-96; 8:45 am]

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## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 8**

#### **RIN 2900 AH55**

#### **National Service Life Insurance**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) regulations captioned "National Service Life Insurance" which were established

under the National Service Life Insurance Act of 1940, as amended (38 U.S.C. 1901-1929, 1981-1988). It deletes provisions that have become obsolete. It also deletes provisions contained in insurance policies that consist of restatements of statutes and other material not required to be published in the Federal Register. Additionally, it deletes other restatements of statute and makes changes for purposes of clarity.

**EFFECTIVE DATE:** June 10, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs Regional Office and Insurance Center, PO Box 8079, Philadelphia, PA 19101, (215) 951-5718.

**SUPPLEMENTARY INFORMATION:** Under the umbrella of 38 CFR part 8, four distinct life insurance programs exist, namely, National Service Life Insurance (NSLI), Veterans' Special Life Insurance (VSLI), Veterans' Reopened Life Insurance (VRI) and Service Disabled Veterans Insurance (SDVI). Most of the policyholders insured under NSLI served during World War II, and their average age is now 72 years. The NSLI program opened in October 1940, and over 22 million policies were issued, of which about 2 million remain. The NSLI program remained open until April 1951, when two new programs were established for Korean War veterans. VSLI, opened in April 1951, was closed to new issues in December 1956. SDVI, also opened in April 1951, is the only program still available for new issues to veterans with service-connected disabilities. The VRI program was a limited one-year reopening, from May 1965 to May 1966, of the NSLI and VSLI programs to certain disabled veterans. As a result of the closure of the NSLI, VSLI, and VRI programs, provisions concerning issuance are deleted because they are obsolete. Furthermore, while these three programs provide for certain disability provisions, there are no insureds remaining who are age eligible for issuance of such riders and, hence, these provisions are further deleted as obsolete. Other provisions, such as those implementing the Servicemen's Indemnity Act of 1940, and other "sunset" provisions, are also obsolete and deleted accordingly.

Also, provisions which list guaranteed payments are deleted since such guaranteed payments reflect only a minimum payment and subsequent legislation allows for higher payment schedules. Thus, publication of minimum payments has no practical value. Provisions that are contained in insurance policies are likewise deleted