

ATZR-B (Mr. Barnett), Fort Sill, OK 73503-5100, Telephone (405) 442-2715.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200; 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to raise the upper limit of R-5601D from the current 16,500 feet MSL to FL 400. The horizontal boundaries of the restricted area would not be changed by this proposal. The United States Air Force (USAF) requested this change to R-5601D in order to contain high-altitude jet aircraft bombing patterns into the Falcon Range target area located in R-5601C.

Although R-5601C airspace extends to FL 400, there is not enough maneuvering airspace to allow jet aircraft to climb to the required delivery altitudes before final approach into the target area. Raising the upper limit of R-5601D to FL 400 would alleviate this airspace problem and allow for quality high altitude/high angle bomb delivery training, a USAF pilot requirement for "mission ready" status.

Additionally, this notice proposes to expand the times of designation for R-5601D and R-5601E from the current "Sunrise to sunset, Tuesday through Saturday; other times by NOTAM" to "Sunrise to 2200, Monday-Friday; other times by NOTAM." This proposed expansion in the times of designation is necessary to accommodate a change in flying requirements by both the 301st Fighter Wing, Carswell Field, TX, and

the 88th Training Wing at Sheppard AFB, TX. Although there will still be occasional weekend flying, most activity will occur during weekdays. The extension of flying times beyond sunset is necessary due to a new USAF training requirement to fly sorties at night.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subjected to an environmental analysis by the proponent and the FAA prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 73.56 [Amended]

2. § 73.56 is amended as follows:

* * * * *

R-5601D Fort Sill, OK [Amended]

By removing the current "Designated altitudes. 500 feet AGL to 16,500 feet MSL" and substituting "Designated altitudes. 500 feet AGL to FL 400" and also by removing "Time of designation. Sunrise to sunset, Tuesday through Saturday; other times by NOTAM" and substituting "Time of designation. Sunrise to 2200, Monday through Friday; other times by NOTAM."

R-5601E Fort Sill, OK [Amended]

By removing the current "Time of designation. Sunrise to sunset, Tuesday through Saturday; other times by NOTAM" and substituting "Time of designation. Sunrise to 2200, Monday through Friday; other times by NOTAM."

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Issued in Washington, DC, on October 29, 1997.

Reginald C. Matthews,

*Acting Program Director for Air Traffic
Airspace Management.*

[FR Doc. 97-29579 Filed 11-7-97; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-A185

Veterans' Training: Time Limit for Submitting Certifications Under the Service Members Occupational Conversion and Training Act

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

SUMMARY: This document proposes to amend the training assistance and training benefit regulations of the Department of Veterans Affairs (VA). It proposes to place deadlines for submitting the certifications needed for both periodic payments and lump-sum deferred-incentive payments under the Service Members Occupational Conversion and Training Act (SMOCTA). Since the Act has a sunset provision, all work for which payments are due has been completed. This proposal would allow VA to close the administration of SMOCTA.

DATES: Comments must be received on or before January 9, 1998.

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-A185". 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 38 CFR Part 21, Subpart F-3. It proposes to place two-year deadlines for submitting the certifications required for both periodic payments and lump-sum deferred-incentive payments under the Service Members Occupational Conversion and Training Act (SMOCTA), 10 U.S.C. 1143, note.

Under SMOCTA, VA has made periodic payments to employers while they trained veterans who were forced or induced to leave military service by reason of the drawdown of the Armed Forces. SMOCTA provides that the maximum period of training for which assistance may be provided on behalf of a veteran is 18 months. Under SMOCTA VA also provides for lump-sum deferred-incentive payments to employers if the veterans remained employed in the occupation for which they were trained for at least four continuous months after they completed training. Although the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) extended the date by which a veteran could enter a SMOCTA training program to March 31, 1997, Pub. L. 103-335 only extended the availability of SMOCTA funds for obligation until September 30, 1995. The effect of these provisions is that the last period of training for which VA may provide assistance will end on September 30, 1997, and the last period of continuous employment for which lump-sum deferred-incentive payments are due will end on January 31, 1998.

VA has provided by regulation (38 CFR 21.4832(a)(3)) that periodic payments will be made only after the employer certifies that the veteran's progress during the period was satisfactory and further certifies the number of hours the veteran worked during the period. VA also has provided by regulation (38 CFR 21.4832(b)(1)) that lump-sum deferred-incentive payments will be made only after the employer and the veteran certify that the veteran has been employed in the occupation for which the veteran trained for at least four continuous months after the last date of training.

This document proposes to amend the regulations to state that the periodic payments will be made only if the employer certifies training on or before September 30, 1999. This document also proposes to amend the regulations to state that the lump-sum deferred-incentive payments will be made only if the employee's certification (there are provisions for waiver of the employee's

certification; 38 CFR 21.4382) and the employer's certification required for that payment are submitted on or before January 31, 2000. These provisions appear to be warranted. They provide more than a reasonable amount of time for submission of claims after the programs have ended and also will eliminate the need for the VA to provide administrative personnel available to service such claims.

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 affect some small entities. However, the effect of the proposed rule, requiring employers to submit certifications within two years of the end of SMOCTA training, would not impose any additional costs on the employer. Pursuant to 5 U.S.C. 605(b), this proposed rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

No Catalog of Federal Domestic Assistance number has been assigned to the program affected by this proposed rule.

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, Educational institutions, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: October 27, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 21 (subpart F-3) is proposed to be amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

1. The authority for part 21, subpart F-3 continues to read as follows:

Authority: 10 U.S.C. 1143 note; sec. 4481-4487, Pub. L. 102-484, 106 Stat. 2757-2769;

sec. 610, Pub. L. 103-446, 108 Stat. 4673-4674, unless otherwise noted.

2. In § 21.4832, paragraphs (e)(3) and (e)(4) are added to read as follows:

§ 21.4832 Payments to employers.

* * * * *

(e) *Restrictions on payments.* * * *

(3) VA will not release any periodic payments for training provided by an employer if VA receives the employer's certification for that training after September 30, 1999.

(4) VA will not release any lump sum deferred incentive payment if VA receives either the veteran's or employer's certification required for that payment after January 31, 2000.

(Authority: 106 Stat. 2762, Pub. L. 102-484, sec. 4487(b); 10 U.S.C. 1143, note)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL-5919-9]

RIN 2050 AEO5

Land Disposal Restrictions Phase IV: Second Supplemental Proposal on Treatment Standards for Metal Wastes and Mineral Processing Wastes, Mineral Processing and Bevill Exclusion Issues, and the Use of Hazardous Waste as Fill; Notice of Data Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Availability.

SUMMARY: Since publication of the Land Disposal Restrictions (LDR) Phase IV Second Supplemental Proposal (62 FR 26041; May 12, 1997), EPA has received additional capacity information which will be considered in determining the need for national capacity variances for the final Phase IV rule. National capacity variances extend the effective date of the LDR treatment standards for a period of time not to exceed two years for hazardous wastes for which there are insufficient treatment capacity on a nationwide basis. The Agency is making available to the public this new data concerning a two-year national capacity variance for three wastes generated by FMC Corporation at its facility located in Pocatello, Idaho. Comments are requested on the data and the public has 15 days from publication of this notice to comment on the additional information.