

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)

[FR Doc. 97-29633 Filed 11-7-97; 8:45 am]

BILLING CODE 8320-01-P

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.

Readers should note that only comments about the new information discussed in this notice will be considered during the comment period. Issues related to the Phase IV proposed rule (60 FR 43654; August 22, 1995), the Phase IV Supplemental Proposal on mineral processing wastes (61 FR 2337; January 25, 1996), the first Phase IV Notice of Data Availability (61 FR 26041; May 10, 1996), the Phase IV final rule (the "Minirule;" 62 FR 25998; May 12, 1997), and the Phase IV Second Supplemental Proposed Rule (62 FR 26041; May 12, 1997), that are not discussed in this Notice of Data Availability, are not open for further comment.

DATES: Comments are due by November 25, 1997.

ADDRESSES: To submit comments, the public must send an original and two copies to Docket Number F-97-2P4A-FFFFF, RCRA Information Center (RIC), U.S. Environmental Protection Agency (5305W), 401 M Street, SW, Washington, DC 20460. The RIC is located at 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-97-2P4A-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RIC. The RIC is open for public inspection and copying of supporting information for RCRA rules from 9:00 am to 4:00 pm Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page. For information on accessing paper and/or electronic copies of the document, see the Supplementary Information section.

FOR FURTHER INFORMATION CONTACT: For general information or to order paper copies of this **Federal Register** document, call the RCRA Hotline. Callers within the Washington,

Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline is open Monday-Friday, 9:00 a.m. to 6:00 p.m., Eastern Standard Time. For other information on this notice, contact Bill Kline (5302W), Office of Solid Waste, 401 M Street, SW, Washington, DC 20460, phone 703-308-8440.

SUPPLEMENTARY INFORMATION:

The data is also available in electronic format on the Internet. Follow the instructions below to access the data. Files are located in /pub/epaoswer.

WWW: <http://www.epa.gov/epaoswer/hazwaste/ldr>

FTP: [ftp.epa.gov](ftp://ftp.epa.gov)

Login: anonymous

Password: your Internet address

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** or in a response to comments document placed in the official record for this rulemaking. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

Notice of Data Availability

EPA proposed the Phase IV rule in three parts (the original Proposed Rule, 60 FR 43654, August 22, 1995; the First Supplemental Proposed Rule, 61 FR 2338, January 25, 1996; and the Second Supplemental Proposed Rule, 62 FR 26041, May 12, 1997), and issued a Notice of Data Availability (61 FR 21418, May 10, 1996).

In the May 10, 1996 Notice of Data Availability, EPA discussed the possibility of a two-year national capacity variance for three large volume toxicity characteristic (TC) hazardous metal wastewater streams (Medusa Scrubber Blowdown, Anderson Filter Media Rinsate, and Furnace Building Washdown) generated by FMC Corporation at its Pocatello, Idaho facility. At the time of the notice, FMC argued that these three wastewaters pose unique treatability problems

because of elemental phosphorous contamination and naturally occurring radioactive material (NORM). FMC maintained that no treatment, storage, or disposal facility (TSDF) could handle the waste streams. FMC requested a two-year national capacity variance to develop and construct on-site treatment capacity for these three wastewater streams to comply with Phase IV when it is promulgated.

In response to the Second Supplemental Proposed Rule (62 FR 26041, May 12, 1997), FMC submitted another comment to EPA, with new information identifying three other waste streams (NOSAP Slurry, Precipitator Slurry, and Phossey Water) at its Pocatello, Idaho facility that FMC believes would be subject to Phase IV LDR requirements should the Phase IV rule be promulgated as proposed. FMC requested that a two-year national capacity variance also be granted for these three additional waste streams as well. Like the original waste streams, the three streams mentioned in the comment are generated in the elemental phosphorous production process and contain varying amounts of both NORM and elemental phosphorous. According to the first FMC comment, there is no current treatment capacity for this composition of materials. However, the three additional waste streams are different than the original waste streams in that they are defined as nonwastewaters under the LDR program (see 40 CFR 268.2(f)).

According to the FMC comment, the three new waste streams are currently managed as D001 and D003 hazardous wastes. In addition, the new waste streams could exhibit the TC in the event of process upsets, due to the presence of heavy metals. FMC argues that based on its survey of off-site treatment facilities for the original three waste streams, it likewise will not be able to identify sufficient treatment capacity to handle the three additional waste streams. As such, FMC believes it will need a two-year national capacity variance to develop and construct on-site treatment capacity for these three new waste streams to comply with Phase IV.

EPA is considering the appropriateness of a capacity variance for the three additional wastes, i.e., NOSAP Slurry, Precipitator Slurry, and Phossey Water, generated at FMC's facility in Pocatello, Idaho. EPA specifically requests comment on whether other facilities generate these wastes as described by FMC Corporation in their comment, and whether or not adequate treatment, recovery, or disposal capacity exists for these wastes.

FMC's documentation, supporting its request for a capacity variance, is available to the public and located in the RCRA Information Center under Docket Number F-97-2P4P-FFFFF.

List of Subjects in 40 CFR Part 268

Environmental Protection, Hazardous waste, Reporting and recordkeeping requirements.

Dated: November 4, 1997.

David Bussard,

Acting Director, Office of Solid Waste.

[FR Doc. 97-29621 Filed 11-7-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[NV 960-1060-00-24-1A]

RIN 1004-AD28

Wild Horse and Burro Adoptions; Power of Attorney

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to amend its regulations to disallow the use of a power of attorney for the adoption of wild horses and burros. BLM is amending the regulations because it is possible that some adopters have misused the power of attorney to obtain large numbers of horses and burros, selling them for profit after receiving the appropriate titles.

DATES:

Comments:

Send your comments to BLM at the address below on or before January 9, 1998. BLM will not necessarily consider any comments received after the above date during its decision on the proposed rule.

ADDRESSES:

Comments:

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, D.C. 20240. You may also comment via the Internet to WOCComment@wo.blm.gov. Please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also

include "attn: AD28" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452-5030.

Finally, you may hand-deliver comments to BLM at 1620 L Street, N.W., Room 401, Washington, D.C. **FOR FURTHER INFORMATION CONTACT:** Bud Cribley, Telephone (202) 452-5073; or Lili Thomas, Telephone (702) 785-6457 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

I. Public Comment Procedures

Written Comments

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the commenter is addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at this address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality, which BLM will consider on a case-by-case basis. If you wish to request that BLM consider withholding your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

II. Background

BLM's current regulations allow for adoptions of wild horses and burros by the use of a power of attorney. A power of attorney is a written document that authorizes an agent to do something on behalf of another. One agent could get powers of attorney from several people,

and adopt more horses and burros than any one single person is allowed.

Several investigations have focused on the misuse of powers of attorney to adopt wild horses. It was alleged that certain people abused BLM's Adopt-A-Horse and Burro program by obtaining large numbers of horses in order to sell them for profit after receiving the appropriate titles. Because of these investigations, several Assistant U.S. Attorneys have suggested that BLM eliminate this practice. The elimination of power of attorney adoptions would also decrease the time and money BLM spends on inspections to ensure that the adopters are in compliance with the regulations.

It is rare that someone who wants to adopt a wild horse or burro is unable to select the animal and sign the Private Maintenance and Care Agreement (BLM estimates that this practice occurred only 12 times in 1997). For this reason, BLM feels that the benefits of preventing abuses of the program outweigh any inconvenience to persons that may want to adopt an animal with a power of attorney.

III. Discussion of Proposed Rule

In order to remove the provisions for power of attorney adoptions, BLM proposes to replace current sections 4750.3-3(b) and (c) with a short statement that reads:

"The Bureau of Land Management will not allow the use of a power of attorney for the adoption of wild horses and burros."

IV. Procedural Matters

National Environmental Policy Act

BLM has determined that this proposed rule would make a procedural change related to the regulations on adopting wild horse and burros. This rule, which would disallow adoptions by power of attorney, would make only a minor change in existing practices. The rule would not affect decisions that BLM makes about numbers of horses on the range or range conditions. It is unlikely that environmental impacts will occur as a result of the elimination of the use of the power of attorney. Therefore, this action is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, the proposed rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40