

methodologies from the industry. Participants must limit their presentations and submissions of data to this issue.

4. The meeting will offer the opportunity for all interested parties to present additional information not currently available to the FAA, and will provide an opportunity for the FAA to explain the methodology and technical assumptions supporting its current conclusions.

5. FAA experts and public participants are expected to engage in a full discussion of all technical material presented at the meetings. Each person presenting conclusions will be expected to submit to the FAA data fully supporting those conclusions; all proprietary data submitted will be protected by the FAA from disclosure in accordance with applicable laws.

6. The FAA will try to accommodate all speakers; therefore, it may be necessary to limit the time available for an individual or group. If necessary, the meeting may be extended to evenings or additional days. If practicable, the meeting may be accelerated to enable adjournment in less than the time scheduled.

7. Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

8. The meeting will be recorded by a court reporter. A transcript of the meeting and all material accepted by the panel during the meeting will be included in the public docket, unless protected from disclosure. Each person interested in purchasing a copy of the transcript should contact the court reporter directly. This information will be available at the meeting.

9. The FAA will review and consider all material presented by participants at the public meeting. Position papers or material presenting views or information related to the draft final rule may be accepted at the discretion of the presiding officer and will be subsequently placed in the public docket. The FAA requests that presenters at the meeting provide 10 copies of all materials to be presented for distribution to the panel members; other copies may be provided to the audience at the discretion of the presenter.

10. Statements made by members of the panel are intended to facilitate discussion of the issues or to clarify issues. Comments made at these public meetings will be considered by the FAA before making a final decision on issuance of the final rule.

11. The meeting is designed to solicit public views and more complete information relevant to the final rule under consideration. Therefore, the meeting will be conducted in an informal and nonadversarial manner.

Issued in Washington, DC, on October 23, 1998.

Douglas Kirkpatrick,

Acting Director, Aircraft Certification Service.

[FR Doc. 98-29050 Filed 10-29-98; 8:45 am]

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Parts 2520 and 2560

RIN 1210-AA69

RIN 1210-AA61

Summary Plan Descriptions; Claims Procedures; Notice of Extension of Comment Period

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice of extension of comment periods.

SUMMARY: This document extends the comment period regarding the proposed regulations under section 102(b) of Title I of the Employee Retirement Income Security Act of 1974 (ERISA) (relating to the content of the Summary Plan Description required to be furnished to employee benefit plan participants and beneficiaries covered under ERISA) and under section 503 of ERISA (relating to claims procedures of employee benefit plans covered under ERISA). The proposed regulations were set forth in separate notices of proposed rulemaking published in the **Federal Register** on September 9, 1998.

DATES: The comment periods are extended through December 9, 1998.

ADDRESSES: Written comments should be submitted with a signed original and three copies to the Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, 200 Constitution Avenue N.W., Room N-5669, U.S. Department of Labor, Washington, DC 20210, and marked **ATTENTION:** Proposed SPD Content Regulations or Benefit Claims Regulation, whichever is appropriate. All submissions will be available for public inspection in the Public Documents Room, Pension and Welfare Benefits Administration, Room N-5507, 200 Constitution Avenue NW, Washington, DC 20210 from 8:30 a.m. to 5:30 p.m.

FOR FURTHER INFORMATION CONTACT:

Jeffrey J. Turner, Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor, telephone (202) 219-8671. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On September 9, 1998, the Department of Labor (the Department) published a notice of proposed rulemaking in the **Federal Register** (63 FR 48376) containing proposed amendments to the regulations governing the content of the Summary Plan Description (SPD) required to be furnished to employee benefit plan participants and beneficiaries covered under Title I of the Employee Retirement Income Security Act (ERISA). On that same date, the Department also published a notice of proposed rulemaking revising the minimum requirements for benefit claims procedures of employee benefit plans covered by ERISA (63 FR 48390). In those notices, the Department invited all interested persons to submit written comments concerning the proposed regulations on or before November 9, 1998.

The Department has received requests from some members of the public for additional time to prepare comments on the proposed claims procedure regulation due to the complexity of the issues involved in that proposed regulation, and the Department believes that it is appropriate to grant such additional time. Accordingly, this notice extends the comment period during which comments on the proposed claims procedure regulation will be received through December 9, 1998. Moreover, although no requests for extensions have been received regarding the proposed SPD content regulation, this notice also extends through December 9, 1998, the comment period for that rulemaking in order to ensure that persons interested in both proposed regulations, which are related in content, will have sufficient time to prepare comments.

Notice of Extension of Public Comment Periods

Notice is hereby given that the period of time for the submission of public comments on the proposed regulation relating to the content of the SPD required to be furnished to employee benefit plan participants and beneficiaries covered under ERISA (proposed at 63 FR 48376) and the proposed regulation relating to the claims procedures of employee benefit plans covered under ERISA (proposed at 63 FR 48390), is hereby extended through December 9, 1998.

Signed at Washington, DC, this 27th day of October, 1998.

Meredith Miller,

*Deputy Assistant Secretary For Policy,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.*

[FR Doc. 98-29173 Filed 10-29-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AJ44

Well Grounded Claims/Duty to Assist

AGENCY: Department of Veterans Affairs.
ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Veterans Affairs (VA) is issuing an advance notice of proposed rulemaking (ANPRM) to establish policy and guidance regarding what action, if any, VA should take to develop evidence pertaining to benefit claims that are not well grounded.

DATES: Written comments in response to this ANPRM must be received on or before January 28, 1999.

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-AJ44." 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: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: Section 5107(a) of title 38, United States Code, states that, unless otherwise provided by the Secretary, it is the responsibility of any person who submits a claim for benefits under a law administered by VA to submit evidence to justify a belief by a fair and impartial individual that the claim is well grounded.

The U.S. Court of Veterans Appeals (the Court) has defined a well-grounded claim as a plausible claim, one which is meritorious on its own or capable of substantiation. To satisfy the initial

burden of 38 U.S.C. 5107(a), a claim need not be conclusive but only possible. The Court has further held that such a claim must be accompanied by supportive evidence and that such evidence must justify a belief by a fair and impartial individual that the claim is plausible. For example, generally for a claim for service-connected disability benefits to be well grounded there must be: (1) a medical diagnosis of a current disability; (2) medical evidence, or in certain circumstances, lay evidence of in-service incurrence or aggravation of a disease or injury; and (3) medical evidence of a nexus between an in-service disease or injury and the current disability.

After establishing the requirement that a claimant must submit a well-grounded claim, 38 U.S.C. 5107(a) requires the Secretary of Veterans Affairs to assist "such a claimant" in developing the facts pertinent to the claim. Both the Court and the U.S. Court of Appeals for the Federal Circuit have held that VA's statutory duty to assist attaches only after a claimant submits a well grounded claim.

In a substantial number of cases, both the Board of Veterans Appeals and the Court have found that claims developed and adjudicated at VA's regional offices were not well grounded.

This situation has raised concerns from a number of quarters. For example, some members of the Court have suggested that 38 U.S.C. 5107(a) reflects a statutory policy that implausible claims should not consume the limited resources of VA and force into backlog and delay well-grounded claims. The Veterans' Claims Adjudication Commission, established under Pub. L. 103-446, questioned whether it is prudent to invest the cost in time and resources of developing claims that are not well grounded. They maintained, among other things, that developing claims that are not well grounded (1) improperly lifts the burden of proof from the claimant and places it on VA; and (2) tends to unnecessarily expand issues and drive the adjudication system toward requesting and obtaining irrelevant evidence rather than concentrating resources on obtaining evidence focused on the issues.

Moreover, VA recognizes the need for clear claims-development guidelines that can be consistently applied. The Court has noted that if the Secretary, as a matter of policy, volunteers assistance to establish well groundedness, grave questions of due process can arise if there is apparent disparate treatment between claimants in this regard.

By this ANPRM, VA invites input as to what policies and procedures it

should adopt to govern the development of claims which are not well grounded.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: September 24, 1998.

Togo D. West, Jr.,

Secretary.

[FR Doc. 98-29137 Filed 10-29-98; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

42 CFR Part 63

RIN 0925-AA11

Traineeships

AGENCY: National Institutes of Health, DHHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Institutes of Health (NIH) proposes to amend its regulations governing traineeships to reflect additional conditions under which NIH may terminate traineeship awards and to reflect changes in the authorities for the awards.

DATES: Comments on the proposed changes must be received on or before December 29, 1998 in order to ensure that NIH will be able to consider the comments in preparing the final rule.

ADDRESSES: Comments should be sent to Jerry Moore, NIH Regulations Officer, National Institutes of Health, 6011 Executive Blvd., Suite 601, MSC 7669, Rockville, MD 20852. Comments may also be sent electronically by facsimile (301) 496-0169 or e-mail (jm40z@nih.gov).

FOR FURTHER INFORMATION CONTACT: Jerry Moore, NIH Regulations Officer, at the address above, or telephone (301) 496-4607 (not a toll-free number). For information about traineeship awards contact James Alexander, Acting Director, Office of Education, Office of Intramural Research, National Institutes of Health, Building 10, Room 1C-129, 10 Center Dr MSC 1158, Bethesda, MD 20892-1158, telephone (301) 496-2427 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 405(b)(1)(C) of the Public Health Service (PHS) Act, as amended, authorizes the Secretary, acting through the directors of the national research institutes of NIH, to conduct and support research training for which fellowship support is