

(4) Women's Army Auxiliary Corps (WAAC).

[FR Doc. 80-31272 Filed 10-8-80; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

Veterans Education; Reduction in Mandatory Counseling

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations to eliminate most counseling required by VA policy rather than law for veterans and other persons eligible to receive educational assistance allowance under chapter 34 or 35, Title 38, United States Code. These changes are necessary since, as a result of budgetary restrictions, the VA intends to terminate contracts it presently has with Guidance Centers to counsel veterans and eligible persons on a fee basis. Counseling psychologists employed by the VA's Department of Veterans Benefits could not provide quality service on a timely basis for the increased workload which would result from the termination of contracts with Guidance Centers were these regulations not amended. The regulatory amendments will enable the VA to provide the counseling services mandated by law without sacrificing quality and timeliness of service.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Shaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: Section 1791, Title 38, United States Code, places restrictions on approving the second change of the program of education of a veteran or eligible person, or the initial change if the veteran's or eligible person's progress has been unsatisfactory. In these cases the Administrator of Veterans Affairs must determine that the program of education which the veteran or eligible person wishes to pursue is suitable to his or her aptitudes, interests and abilities. In cases of unsatisfactory progress, the Administrator must also determine that there is a reasonable likelihood that there will not be a recurrence of failure to progress. Previously, the responsibilities were carried out by counseling psychologists employed by the Department of

Veterans Benefits or under contract to the Department of Veterans Benefits, who provided counseling where necessary to explore the veteran's or eligible person's situation, assist in resolving problems, and develop appropriate recommendations regarding approval of the veteran's or eligible person's request. The counseling psychologists' recommendations were forwarded to claims examiners having responsibility for decisions in these cases.

Since contracts with Guidance Centers are being terminated, the regulations are revised to eliminate all references to required counseling for veterans and servicepersons under chapter 34, Title 38, United States Code, and to eliminate most required counseling for eligible persons under chapter 35, Title 38, United States Code. Claims examiners at VA field stations will make decisions on approval of changes of program and reentrance after unsatisfactory progress. The VA wishes to emphasize that veterans and eligible persons will continue to be provided counseling upon request, including requests made in connection with changes of program or dealing with problems which result in unsatisfactory progress or conduct.

This revision is not significant. The revision will have no effect, either direct or indirect, on schools, businesses, the general public, the environment or State and local governments. The revision will not impose any new reporting requirements on schools. There will be no costs to businesses or to educational institutions caused by this revision. The revision will not affect other programs or agencies. Although it will affect those veterans and eligible persons making unsatisfactory progress and those desiring second and subsequent changes of program, these comprise a very small percentage of those receiving educational assistance.

It is the policy of the VA ordinarily to afford the public a chance to comment on revised regulations. However, budgetary restrictions will cause the termination of contracts with Guidance Centers in the near future. The VA will be unable to provide the required counseling if these regulations are not changed by then. Accordingly, these regulations are being made final without a comment period. The name of the official responsible for making this decision is Rufus H. Wilson, Deputy Administrator, Veterans Administration.

The changes to §§ 21.1032, 21.4100, 21.4101, 21.4102, 21.4103, 21.4104, 21.4233, 21.4234 and 21.4278 and the revocation of § 21.4106 are deemed proper and are hereby approved.

Approved: October 1, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

1. In § 21.1032, paragraph (a) is revised to read as follows:

§ 21.1032 Time limits.

(a) *Completion of claim.* The Veterans Administration will consider a claim to be abandoned when the Veterans Administration requests evidence in connection with a claim, and the veteran does not furnish the evidence within 1 year after the date of the request. After the expiration of 1 year, the Veterans Administration will not take further action unless a new claim is received. (38 U.S.C. 3003(a))

2. In § 21.4100, a title is added for paragraph (a), paragraph (b) is revised and paragraph (c) is added so that the added and revised material reads as follows:

§ 21.4100 Counseling.

(a) *Purpose of counseling.* The purpose of counseling is to assist:

(b) *Availability of counseling.* Counseling assistance is available for—
(1) Identifying and removing reasons for academic difficulties which may result in interruption or discontinuance of training, or

(2) In considering changes in career plans, and making sound decisions about the changes. (38 U.S.C. 1663, 1720)

(c) *Requested counseling.* The Veterans Administration shall provide counseling not required by §§ 21.4102 and 21.4105 as needed for the purposes identified in paragraphs (a) and (b) of this section upon the request of the veteran or eligible person. The Veterans Administration shall take appropriate steps (including individual notification where feasible) to acquaint all eligible veterans with the availability and advantages of counseling services. (38 U.S.C. 1663)

3. Sections 21.4101, 21.4102, 21.4103, and 21.4104 are revised as follows:

§ 21.4101 Counseling—8 U.S.C. chapter 34.

Counseling is not required for veterans and servicepersons receiving benefits under 38 U.S.C. chapter 34. (38 U.S.C. 1663)

§ 21.4102 Requirement—38 U.S.C. Chapter 35.

(a) *Child.* (1) Counseling is required for an eligible child before approval of an initial course except when the child has been accepted for, or is pursuing,

approved courses which lead to a standard college degree.

(2) The counseling psychologist will assist in preparing an educational plan if requested by the eligible person, or his or her parent or guardian. (38 U.S.C. 1720)

(b) *Spouse or surviving spouse.* Counseling is required for a spouse or surviving spouse only if he or she desires special training. (38 U.S.C. 1733)

§ 21.4103 Failure to cooperate.

When counseling is required and an eligible person fails to report for or fails to cooperate in the counseling process, the Veterans Administration will take no further action on the application. See § 21.3032. (38 U.S.C. 1720)

§ 21.4104 Travel expenses.

(a) *General.* The Veterans Administration shall determine and pay the necessary expense of travel to and from the place of counseling for the eligible person whenever counseling is required. (38 U.S.C. 111)

(b) *Restriction.* The Veterans Administration will not pay the necessary cost of travel to and from the place of counseling when counseling is not required but is provided as a result of a voluntary request by the veteran or eligible person. (38 U.S.C. 111)

(c) *Travel for attendants.* When an eligible person because of a severe disability requires the services of an attendant while traveling, payment of travel expenses will be on the same basis as for the eligible person. (38 U.S.C. 111; Pub. 96-151, 93 Stat. 1092)

§ 21.4106 [Revoked]

4. Section 21.4106 is revoked.

§ 21.4233 [Amended]

5. Section 21.4233 is amended by deleting "§ 21.4270(e) and (i)" and inserting "§ 21.4270(b)" in paragraph (a)(1).

6. In § 21.4234, the introductory portion preceding paragraph (a) is revoked, paragraphs (b), (c) and (d) are revised and a cross reference is added following paragraph (e) so that the added and revised material reads as follows:

§ 21.4234 Change of program.

(b) *Application.* A veteran or eligible person may request a change of program by any form of communication. However, if the veteran or eligible person does not furnish sufficient information to allow the Veterans Administration to process the request, the Veterans Administration will furnish the prescribed form for a change of

program to him or her for completion. (38 U.S.C. 1671)

(c) *Optional change of program.* A veteran eligible to receive educational assistance under chapter 34 or a spouse or surviving spouse eligible to receive educational assistance under chapter 35 may make one optional change of program if his or her previous course was not interrupted due to his or her own misconduct, neglect or lack of application. (38 U.S.C. 1791(b))

(d) *Other changes of program.* (1) The following changes of program may not be made solely at the option of the veteran or eligible person. The Veterans Administration must approve them before paying educational assistance allowance:

(i) A second or subsequent change of program made by a veteran or eligible spouse or surviving spouse,

(ii) An initial change of program made by a veteran or eligible spouse or surviving spouse if the first program was interrupted or discontinued due to his or her own misconduct, neglect or lack of application, or

(iii) Any change of program made by a child.

(2) The Veterans Administration will approve a change of program listed in paragraph (d)(1) of this section if—

(i) The program of education which the veteran or eligible person proposes to pursue is suitable to his or her aptitudes, interests and abilities,

(ii) In any instance where the veteran or eligible person has interrupted, or failed to progress in his or her program due to his or her own misconduct, neglect or lack of application, there is a reasonable likelihood with respect to the program the veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress, and

(iii) In the case of an eligible child the new program meets the criteria applicable to final approval of an original application. See §§ 21.4230 and 21.4231.

(3) The Veterans Administration may approve a third or subsequent change of program if applicable conditions of paragraph (d)(2) of this section are met and the additional change or changes are necessitated by circumstances beyond the control of the veteran or eligible person. Circumstances beyond the control of the veteran or eligible person include, but are not limited to—

(i) The course being discontinued by the school when no other similar course leading to the same objective is available within normal commuting distance.

(ii) Unexpected financial difficulties preventing completion of the last

program because of the overall cost of the program needed to reach the objective, or

(iii) The veteran or eligible person being required to relocate because of health reasons in an area where training for the last objective is not available within normal commuting distance. (38 U.S.C. 1791)

* * * * *

Cross Reference: Counseling. See § 21.4100.

7. Section 21.4278 is revised and a cross reference is added to read as follows:

§ 21.4278 Reentrance after discontinuance.

(a) *Conditions permitting reentrance after discontinuance.* A veteran or eligible person may be reentered following discontinuance because of unsatisfactory conduct or progress only when the following conditions exist:

(1) The cause of unsatisfactory conduct or progress has been removed, and

(2) The Veterans Administration determines that the program which the veteran or eligible person now proposes to pursue is suitable to his or her aptitudes, interests and abilities. (38 U.S.C. 1674 and 1724)

(b) *Programs which may be reentered after discontinuance.* Reentrance may be for the same program, for a revised program or for an entirely different program depending on the cause of the discontinuance and the removal of that cause. (38 U.S.C. 1674 and 1724)

Cross Reference: Counseling. See § 21.4100.

[FR Doc. 80-31273 Filed 10-8-80; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5752

[OR-19205]

Oregon; Revocation of Stock Driveway Withdrawal

Correction

In FR Doc. 80-29851, appearing at page 64178 in the issue of Monday, September 29, 1980, the fifth line in the first column of page 64179 should have read:

"Sec. 6, lots 3 to 7, inclusive, SE¼SW¼."

BILLING CODE 1505-01-M

43 CFR Public Land Order 5768

[1-13108]

Idaho; Partial Revocation of Military Withdrawal**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.**SUMMARY:** This order restores 14,644 acres of public land to the mineral leasing laws and to the disposal of materials.**EFFECTIVE DATE:** November 6, 1980.**FOR FURTHER INFORMATION CONTACT:** Larry Livesay, Idaho State Office, 208-384-1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 9, 1873, withdrawing public lands for the Boise Barracks Military Reservation is hereby revoked so far as it affects the following described land:

Boise Meridian

T. 3 N., R. 2 E.,

Sec. 2: (Tract 39) described by metes and bounds as follows:

Beginning at the NE. cor. of the Veterans Administration grounds on the northerly boundary of the Boise Barracks Military Reservation, which is the terminal fence post of a chain link fence, 6 ft. high, extending S. 25 28' E., from which the cor. of secs. 2, 3, 10, and 11, T. 3 N., R. 2 E., Boise Meridian, bears S. 35 17' W., 2,590.49 ft. dist., monumented with an iron post and brass cap set flush with surface of pavement, mkd. as described in the field notes of the dependent resurvey executed by Walter H. Good in 1952, accepted August 5, 1954.

Thence from said initial point, by metes and bounds:

S. 69 47' W., 933.24 feet, to an iron post with brass cap mkd. AP1.

S. 26 24' E., 544.50 feet, to an iron post with brass cap mkd. AP2.

S. 57 26' E., 240.24 feet, to an iron post with brass cap mkd. AP3.

N. 64 32' E., 795.30 feet, to an iron post with brass cap mkd. AP4 in fence extending N. 25 28' W. and S. 25 28' E.,

N. 25 28' W., 660.00 feet, along fence to the place of beginning.

Containing 14,644 acres in Ada County.

2. The above described tract has been classified under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869; 869-4. The land, therefore, will not be subject to other use or disposition under the public land laws, including the mining laws.

3. At 10 a.m. on November 6, 1980, the tract will be open to applications and offers under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C.

181-287; and to the disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601-604.

Inquiries concerning the tract should be addressed to the State Director, Bureau of Land Management, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

October 1, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-31454 Filed 10-8-80; 8:45 am]

BILLING CODE 4310-84-M

COMMUNITY SERVICES ADMINISTRATION**45 CFR Part 1061****Emergency Energy Conservation Program; Funding Requirements for Fiscal Year 1981 Crisis Intervention Program; Stay of Effective Date**

Note.—This document originally appeared in the Federal Register for Tuesday, October 7, 1980. It is reprinted in this issue to meet requirements for publication on the Monday-Thursday schedule assigned to the Community Services Administration.

AGENCY: Community Services Administration.**ACTION:** Stay of effective date of a final rule.

SUMMARY: The Community Services Administration wants to notify prospective grantees and the public that the final rule on the fiscal year 1981 Crisis Intervention Program as published on September 4, 1980, in the Federal Register, Vol. 45, No. 173, pages 58534-58539, will not be effective on October 6, 1980. The reasons for this decision are noted below in the Supplementary Information section. CSA also wants to notify prospective grantees that the October 31, 1980, date for filing of applications is not in effect.

DATES: The effective date of this document is October 6, 1980. The October 6, 1980 effective date of the fiscal year 1981 Crisis intervention Program rule (45 FR 58534) is hereby stayed.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Crawford, Crisis Intervention Program, Community Services Administration, 2000 K Street NW., Suite 350, Washington, D.C. 20006, (202) 254-9833.

SUPPLEMENTARY INFORMATION: CSA's decision to not have the Final Rule effective on October 6, 1980, is based on the following reasons: (1) CSA was not informed by Congress of the funding for CSA's fiscal year 1981 Crisis Intervention Program until October 2,

1980. Without this funding information, CSA has not been able to evaluate the net effect on funding distributions for prospective grantees; (2) CSA has received numerous comments on the Final Rule, which could be submitted through September 29, 1980; and (3) CSA finds it necessary to evaluate state plans proposed to the Department of Health and Human Services (HHS) for its Low-Income Energy Assistance Program (LIEAP) in order to have CSA's Fiscal Year 1981 Crisis Intervention Program complement LIEAP.

Thomas J. Mack,

General Counsel.

[FR Doc. 80-31294 Filed 10-6-80; 11:33 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 94**

[PR Docket No. 79-337; FCC 80-485]

Private Operational-Fixed Microwave Service; Facilitating Operation of low Power, Limited Coverage Systems in the 22.0-23.6 GHz; Correction**AGENCY:** Federal Communications Commission.**ACTION:** Final rule; correction.

SUMMARY: This document corrects a final rule published at 45 FR 55731, August 21, 1980 relating to the operation of low power, limited coverage systems in the 22.0-23.6 GHz.

EFFECTIVE DATE: September 26, 1980.**ADDRESS:** Federal Communications Commission, Washington D.C. 20554

FOR FURTHER INFORMATION CONTACT: Donald Campbell, Office of Science and Technology, (202) 653-8176.

In the matter of amendment of Part 94 of the Commission's rules and regulations to facilitate operation of low power, limited coverage systems in the 22.0-23.6 GHz, PR DOCKET No. 79-337, RM-3241 Errata.

Released: October 3, 1980.

1. It has come to our attention that the First Report and Order in the above captioned matter, FCC 80-485 (corrected), which was released on 19 August and published in the Federal Register on 21 August 1980 at 45 F.R. 55731, contains several minor typographical errors:

In FR Doc 80-25483 published at 45 FR 55731, August 21, 1980 make the following corrections:

2. On page 55731, in paragraph 3, third column, the fifth line from the top should