Department's programs and activities that are subject to these regulations and identifies which of these are subject to the requirements of section 204 of the Demonstration Cities and Metropolitan Development Act.

(b) If a program or activity of the Department that provides Federal financial assistance does not have implementing regulations, the regulations in this part apply to that program or activity.

(c) The following programs and activities are excluded from coverage under this part:

(1) Proposed legislation.

(2) Regulation and budget formulation.

(3) National security matters.

(4) Procurement.

(5) Direct payments to individuals.

(6) Financial transfers for which the Department has no funding discretion or direct authority to approve specific sites or projects (e.g., block grants under Chapter 2 of the Education Consolidation and Improvement Act of 1981).

(7) Research and development national in scope.

(8) Assistance to federally recognized Indian tribes.

(d) In addition to the programs and activities excluded in paragraph (c) of this section, the Secretary may only exclude a Federal financial assistance program or activity from coverage under this part if the program or activity does not directly affect State or local governments.

(E.O. 12372)

8. In § 79.8 paragraph (a) is revised, a new paragraph (b) is added, and the current paragraphs (b) and (c) are redesignated as (c) and (d) respectively, to read as follows:

§ 79.8 How does the Secretary provide States an opportunity to comment on proposed Federal financial assistance?

(a) Except in unusual circumstances, the Secretary gives State processes or directly affected State, areawide, regional, and local officials and entities—

(1) At least 30 days to comment on proposed Federal financial assistance in the form of noncompeting continuation awards; and

(2) At least 60 days to comment on proposed Federal financial assistance other than noncompeting continuation awards.

(b) The Secretary establishes a date for mailing or hand-delivering comments under paragraph (a) of this section using one of the following two procedures:

(1) If the comments relate to continuation award applications, the Secretary notifies each applicant and each State Single Point of Contact (SPOC) of the date by which SPOC comments should be submitted.

(2) If the comments relate to applications for new grants, the Secretary establishes the date in a notice published in the **Federal Register**.

* * * * *

9. In § 79.9, paragraph (a)(2) is revised to read as follows:

§ 79.9 How does the Sectretary receive and respond to comments?

(a) * * *

(2) That office or official transmits a State process recommendation, and identifies it as such, for a program selected under § 79.6.

* * * * *

[FR Doc. 86–12753 Filed 6–6–86; 8:45 am]

BILLING CODE 4000-01-M

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34 CFR Parts 230 and 231

Asbestos Detection and Control; Local and State Educational Agencies; Removal of Obsolete Provisions

Correction

In FR Doc. 11793 beginning on page 19173 in the issue of Wednesday, May 28, 1986, the name of the signing official was omitted and should be inserted on page 19173 in the third column, above the third line from the botton, as follows:

William J. Bennett,

Secretary of Education.

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 228

Miscellaneous Minerals Provisions; Operations Within Misty Fjords and Admiralty Island National Monuments, Alaska

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: Misty Fjords and Admiralty Island National Monuments were established by the Alaska National Interest Lands Conservation Act on December 2, 1980, for the purpose of protecting objects of ecological, cultural, geological, historical, prehistorical, and scientific interest. Section 503(f)(2)(A) of the Act provides that the holders of valid mining claims on public lands within the Monuments may conduct mineral activities in accordance with regulations promulgated by the Secretary of Agriculture to ensure that the mineral activities are compatible, to the maximum extent feasible, with the purpose of which the Monuments were established. The final rule establishes the procedures the Forest Service will use in meeting the standard of section 503(f)(2)(A) of the Act.

EFFECTIVE DATE: July 9, 1986.

FOR FURTHER INFORMATION CONTACT: Harry G. Stumpf, Minerals and Geology Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013 ((703) 235–8011).

SUPPLEMENTARY INFORMATION: The lands within the Misty Fjords and Admiralty Island National Monuments were withdrawn from mineral entry on December 1, 1978, by Presidential Proclamations 4611 and 4623 and on December 2, 1980, by the Alaska National Interest Lands Conservation Act (section 503(f)(1)) (94 Stat. 2400). However, the Act provided for the continued evaluation and development of valid mining claims on public lands within the Monuments. To meet the standards of section 503(f)(2)(A) of the Act, the final rule requires an identification of the resources that the Monuments were established to protect. In addition, the final rule establishes guidelines to assist Forest officers in determining whether final mineral activities are compatible with the protection of the indentified Monument resources. The final rule also provides guidance to Forest officers in determining whether mitigating measures are feasible, that is, whether the measures will successfully prevent or reduce adverse environmental impacts of mineral activities on the identified resources without jeopardizing the economic viability of the overall project. The intent of this rule is to provide environmental safeguards under which development can continue, not to prevent the evaluation and development of valid mining claims.

Analysis of Public Comment

A proposed rule was published in the **Federal Register** on September 11, 1985 (50 FR 37005), with a comment period of 60 days. Six public comments were received. Two comments were submitted by mining companies, one by an environmental group, one by a miners' association, and two by Alaska State organizations. The general reaction to the proposed rule was favorable, with some suggestions and comments for clarifying specific points.

Two respondents wanted clarification that this rule does not apply to patented claims. As stated in section 503(f)(2)(A) of the Act, this regulation is limited to valid mining claims on public lands in the Monuments. Once a patent is issued, the land is removed from public ownership; therefore, this regulation would not apply to patented lands.

One respondent questioned why neither an environmental assessment nor an environmental impact statement was prepared for the proposed rule. In conducting the environmental analysis and based on past experience with similar actions, it was determined that this rule will have no significant effects on the human environment. Therefore, this final rule has been categorically excluded from documentation as provided by recently revised Forest Service Procedures (50 FR 26078) for implementing the National Environmental Policy Act.

One respondent stated that the Act does not require the validity test within the technical meaning of the term. We disagree; Sections 504(a), (b), (c), and (e) of the Act repeatedly define validity "within the meaning of the mining laws of the United States." We interpret that to mean that a discovery of a valuable mineral deposit within the boundaries of a properly located and maintained claim must be demonstrated before operations may be approved.

Three respondents suggested that consideration be given to the cost-effectiveness of mitigating measures and to the effects of such measures on the short-term as well as on the long-term economic viability of mining operations in the Monuments. We agree and have included short-term considerations, since Congress made no distinction between short- and long-term economic feasibility. We have also revised the rule to expand the factors to be considered in determining the feasibility of mitigating measures.

One respondent asserted that economics should not be considered in assessing feasibility. This comment ignores the clear language of the statute and the Act's legislative history to the effect that any environmental safeguards contained in the regulations are not to be used to prevent further evaluation and development of valid mining claims in the Monuments. The respondent also misinterpreted the preamble to the proposed rule in suggesting that it authorized deletion of any mitigating measures when they affect the short-term costs of a mining project. Mitigating measures may be imposed as deemed necessary by the authorized officer as long as further evaluation and development of the claims are not clearly prevented by such measures. A statement was added in the final rule to clarify our intent.

One respondent argued that the rule should address section 505(b) of the Act. We do not believe that section 505(b) is relevant since it applies specifically to the Quartz Hill project and is quite detailed and self-implementing, and it does not require any regulations to be promulgated. Compliance with section 505(b) standards will be enforced through the process already established in 36 CFR 228 Subpart A for the approval of plans of operations in the National Forest System.

We have supplemented the provisions of Subpart A for modifications to the original plan of operations should unforeseen changes in circumstances affect the determinations of compatibility and feasibility. Although the procedures for modifications are incorporated by reference, we felt that it was useful to repeat the specific requirements of the Act as additional conditions.

One respondent argued that section 503(f)(2)(A) of the Act requires the promulgation of site-specific environmental standards for mining operations in the Monuments. We find no support for this argument in the statutory language or the legislative history. The incorporation by reference of 36 CFR 228 Subpart A should adequately incorporate compliance with Federal, State, and local environmental statutes and regulations. Development of site-specific standards for the conduct of mining should await the site-specific evaluation of each plan of operations. Any attempt at uniform standards would ignore the potential differences in requirements associated with the particular terrain, location, and nature of operations involved in each case.

It was suggested the wilderness be included as a Monument resource in this rule. This suggestion was rejected because parts of each National Forest Monument, particularly where the major mining operations are located, were deliberately not designated as wilderness by Congress. Additionally, wilderness is not listed in section 502 of the Act as a purpose for which the Monuments were established. Wilderness is therefore not a Monument resource to be protected by regulations mandated by section 503(f)(2)(A). Wilderness Act protections (as modified by the Alaska National Interest Lands Conservation Act) apply separately to mining operations in the Monuments under 36 CFR 228 Subpart A and other applicable law and regulation, as do many other legal requirements. It is not necessary to reincorporate all of the requirements of existing mining and access regulations in this rule.

Several respondents suggested publication of any changes as another proposed rule to allow for additional comment prior to publication as a final rule. We do not believe that another opportunity to comment would result in more constructive points being raised.

Regulatory Impact

The final rule has been reviewed under USDA procedures and Executive Order 12291, and it has been determined that this regulation is not a major rule. The regulation will not have an effect on the economy of $100 million or more and, in and of itself, will not increase major costs to consumers, geographic regions, industry, or Federal, State, and local agencies. The regulation is essentially procedural, and, therefore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets.

Controlling Paperwork Burdens on the Public

The final rule contains no information collection requirements not already required by regulations (36 CFR 228 Subpart A) for approval of locatable mineral activities in the National Forest System. Those requirements were approved by the Office of Management and Budget through September 30, 1986, and assigned Clearance Number 0596–0022.

Small Entity Impact

In accordance with the Regulatory Flexibility Act of 1981 (5 U.S.C. 601 et seq.), the Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities. It imposes no new paperwork or recordkeeping requirements on small entities. The information collection and reporting requirements to which a small entity will be subject under the final rule have not been increased and have been kept to the minimum necessary for the protection of the surface resources of the Misty Fjords and Admiralty Island National Monuments. These requirements are well within the capability of small entities involved in extracting minerals; therefore, the final rule will not affect the competitive position of small entities in relation to large entities, nor will it affect their cash flow, liquidity, or ability to remain in the market.

Environmental Impact Statement

Based on environmental analysis and past experience with similar actions, the Forest Service has determined that this final rule will have no significant effects on the human environment. Therefore, this final rule has been categorically excluded from documentation (FSM 1952.2).

List of Subjects in Part 228

Administrative practice and procedure, Environmental protection, Mineral resources, Mines, National forests, National monuments, Surety bonds.

For reasons set out in the preamble, Chapter II of Title 36 of the Code of Federal Regulations is amended as follows:

PART 228—[AMENDED]

Subpart D—[Amended]

1. Revise the authority citation for Part 228 to read as follows:

Authority: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551), and 94 Stat. 2400, unless otherwise noted.

2. In Subpart D, add a new § 228.80, *Operations Within Misty Fjords and Admiralty Island National Monuments, Alaska*, to read as follows:

§ 228.80 Operations Within Misty Fjords and Admiralty Island National Monuments, Alaska.

(a) Mineral activities on valid mining claims in the Misty Fjords and Admiralty Island National Monuments must be conducted in accordance with regulations in Subpart A of this Part and with the provisions of this section.

(b) Prior to approving a plan of operations, the authorized officer must consider:

(1) The resources of ecological, cultural, geological, historical, prehistorical, and scientific interest likely to be affected by the proposed operations, including access; and

(2) The potential adverse impacts on the identified resource values resulting from the proposed operations.

(c) A plan of operations will be approved if, in the judgment of the authorized officer, proposed operations are compatible, to the maximum extent feasible, with the protection of the resource values identified pursuant to paragraph (b)(1) of this section.

(1) The authorized officer will deem operations to be compatible if the plan of operations includes all feasible measures which are necessary to prevent or minimize potential adverse impacts on the resource values identified pursuant to paragraph (b)(1) of this section and if the operations are conducted in accordance with the plan.

(2) In evaluating the feasibility of mitigating measures, the authorized officer shall, at a minimum, consider the following:

(i) The effectiveness and practicality of measures utilizing the best available technology for preventing or minimizing adverse impacts on the resource values identified pursuant to paragraph (b)(1) of this section; and

(ii) The long- and short-term costs to the operator of utilizing such measures and the effect of these costs on the long- and short-term economic viability of the operations.

(3) The authorized officer shall not require implementation of mitigating measures which would prevent the evaluation or development of any valid claim for which operations are proposed.

(d) In accordance with the procedures described in Subpart A and paragraphs (c)(1) through (c)(3) of this section, the authorized officer may approve modifications of an existing plan of operations:

(1) If, in the judgment of the authorized officer, environmental impacts unforeseen at the time of approval of the existing plan may result in the incompatibility of the operations with the protection of the resource values identified pursuant to paragraph (b)(1) of this section; or

(2) Upon request by the operator to use alternative technology and equipment capable of achieving a level of environmental protection equivalent to that to be achieved under the existing plan of operations.

Dated: May 13, 1986.

Peter C. Myers,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 86-12840 Filed 6-6-86; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Nonmatriculated Students; Correction

AGENCY: Veterans Administration.

ACTION: Final regulations; correction.

SUMMARY: In the Federal Register of Thursday, May 29, 1986, (51 FR 19331–19332), the VA (Veterans Administration) adopted a new, more liberal rule concerning nonmatriculated students. This notice corrects previously published information.

EFFECTIVE DATE: May 8, 1986.

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

SUPPLEMENTARY INFORMATION:

In the preamble, the VA inadvertently published May 8, 1985, as the date the document was approved and as the effective date. This should be corrected to read May 8, 1986, in both instances.

Dated: June 3, 1986.

Patricia Viers,

Chief, Directives Management Division.

[FR Doc. 86-12905 Filed 6-6-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

Veterans Education; Limit on Reimbursement of Wages Under the Veterans' Job Training Act

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: A few employers have been circumventing the intent of VJTA (Veterans' Job Training Act) in order to receive more than 50% of the wages paid to veterans training under the Act. These amended regulations contain an additional limitation on the amount payable on behalf of a single veteran. The limitation will prevent this abuse.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 389-2092.

SUPPLEMENTARY INFORMATION: On pages 50642 and 50643 of the Federal Register of December 11, 1985, there was published a notice of intent to amend Part 21 to impose a limitation on the amount that may be paid to an employer on behalf of a veteran who is training under the Veterans' Job Training Act.

It was also proposed that any VA payment to an employer in excess of or contrary to payment limitations shall constitute an overpayment for which the employer will be liable.

Interested people were given 30 days to submit comments, suggestions or objections. The VA received four letters. Two were from the same college official. One was from an official of a State employment service. One was from a service organization.

The university official stated in both letters that he did not wish to comment on the proposal.

The State official commented that the proposal did not state who will monitor whether an employer is reducing the wages paid to a trainee during a training period.

Admittedly, § 21.4632, as amended, does not state who will monitor a trainee's wages. However § 21.4642(a) states, "The VA may determine compliance with the provisions of §§ 21.4642(a) states, "The VA may determine compliance with the provisions of §§ 21.4620 through 21.4632 by (1) monitoring employers and veterans participating in job training programs, (2) investigating any matter necessary to determine compliance, and (3) requiring the submission of information deemed necessary by the Administrator of Veterans' Affairs before, during or after training." This paragraph is based on Pub. L. 98–77, section 12. Since it is clear from § 21.4642(a) that the VA will monitor the provisions of § 21.4632, the VA does not think it necessary to repeat that information in § 21.4632 itself.

The service organization did not object to the amendment of § 21.4634. However, that organization did object to the amendment of § 21.4632. The letter writer stated that the service organization is unaware of any employer who is trying to circumvent the intent of the VJTA.

Through its monitoring function described above, the VA has become aware of some employers who have tried to circumvent the intent of the VJTA. Although this is just a small percentage of the employers participating in the program, the VA believes that their number is sufficient to require the amendment to §21.4632. Accordingly, the VA is making the amended regulations final.

The VA has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans Affairs certifies that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these regulations, therefore, are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

It is the intent of the VJTA that no employer be reimbursed for more than 50% of the wage he or she is paying the trainee. This certification, therefore, can be made because this clarification of VA regulations is required to make them consistent with, and to carry out the intent of the VJTA.

(The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.121.)

List of Subjects in 38 CFR Part 21

Civil rights, claims, education, grant programs-education, loan programs-education, reporting and recordkeeping requirements, schools, veterans, vocational education, vocational rehabilitation.

Approved: May 22, 1986.

Thomas K. Turnage,
Administrator.

PART 21—[AMENDED]

38 CFR Part 21, Vocational Rehabilitation and Education, is amended as follows:

1. Section 21.4632, is amended by adding paragraph (e)(3) to read as follows:

§ 21.4632 Payments.

* * * * *

(e) *Limitations on payments.* * * *

(3) If an employer reduces the wages paid to a trainee for a training period so that the trainee is paid at a rate which is less than the starting wage rate, the VA shall not pay the employer an amount in excess of 50 percent of the wages (exclusive of overtime and premium pay) paid to the trainee for the training period. (Sec. 8, Pub. L. 98–77)

2. In § 21.4634, paragraphs (d) and (e) are revised and new paragraph (f) is added to read as follows:

§ 21.4634 Overpayments.

* * * * *

(d) *Payment contrary to limitations.* Whenever the VA finds that payment has been made to an employer, on behalf of a veteran, in an amount which exceeds or is otherwise contrary to the limitations set forth in § 21.4632(e), such amount shall constitute an overpayment for which the employer shall be liable to the United States. (Sec. 8, Pub. L. 98–77; 97 Stat. 443)

(e) *Waivers of overpayments.* Any overpayment established under this section may be waived, entirely or partly, as provided by §§ 1.955 through 1.970 of this chapter. (Sec. 8, Pub. L. 98–77; 97 Stat. 443)

(f) *Recovery of overpayments.*

(1) Any overpayment referred to in paragraph (a), (b), (c), or (d) of this section may be recovered in the same manner as any other debt due the United States.

(2) If both the veteran and employer are found liable to the United States under paragraph (a), (b), (c) or (d) of this section for all or part of the overpayment, they shall be considered to be jointly and severally liable to the extent of their respective liabilities.

(Sec. 8, Pub. L. 98–77, 97 Stat. 443)

[FR Doc. 86–12904 Filed 6–6–86; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 403

[FRL 3025–8]

Water Pollution; General Pretreatment Regulations for Existing and New Sources

Correction

In FR Doc. 86–12540 beginning on page 20426 in the issue of Wednesday, June 4, 1986, a portion of the document text appeared out of order. The text appearing on page 20430 should have preceded the text appearing on page 20429.

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–26

[FPMR Temp. Reg. E–84]

Procurement of Motor Vehicles

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation changes the number of consolidated procurements of sedans, station wagons, and light trucks that are made by GSA each year on behalf of agencies and revises the schedules for agencies to submit orders to GSA for these types of vehicles. The regulation also establishes a consolidated program for the procurement of medium and heavy trucks and provides for a change in GSA's centralized leasing program. The changes in the consolidated procurement program provided in this