

§ 213.3 Determination of small business eligibility.

(a) *Application for technical assistance from small businesses.* An applicant for technical assistance must certify that it qualifies as a small business under the appropriate size standard(s) and that it is an independently owned and operated company. An application for technical assistance is available from the Office. The application must be signed under oath by an officer or principal of the applicant. The completed application should be submitted to the Office at the address set forth in § 213.2(a).

(b) *Application for technical assistance from joint applicants, trade associations and unions.* If several businesses jointly or simultaneously from the same industry apply for technical assistance, each business must meet the appropriate SBA size standard(s) and so certify. If a trade association applies for technical assistance, an officer of the trade association must certify that eighty (80) percent of the trade association's members are companies that meet the appropriate size standard(s) and provide a listing of members of the association. If a union applies for technical assistance, an officer of the union must certify that the union has less than ten thousand (10,000) members within the industry for which trade relief is being sought. Applications for trade associations or for unions to request technical assistance are available from the Office. Applications must be signed under oath by an officer of the association or union and completed applications should be submitted to the Office as set forth in § 213.2(a).

(c) *Determination of eligibility and notification of determination.* The Office shall determine whether the applicant is eligible for technical assistance and notify the applicant of the determination within ten (10) days of receipt of a properly completed application. Pursuant to 19 U.S.C. 1339(c)(1), the Office's determination of eligibility is not reviewable by any other agency or by any court.

(d) *Notification to administering agencies.* When an applicant seeks technical assistance on matters involving the trade laws, and the Office determines that the applicant is eligible for technical assistance, the Office shall:

(1) Promptly notify the appropriate administering agency or agencies of the Office's determination that the applicant is eligible to receive technical assistance; and

(2) Consult with the administering agency or agencies as to the provision of technical assistance to that applicant.

§ 213.4 Disclosure of receipt of technical assistance.

An eligible small business that has received technical assistance from the Office must state that it has received technical assistance from the Trade Remedy Assistance Office in any resulting petition, complaint or application which is filed with the Commission or any other agency which administers the trade law under which remedies or benefits are sought.

§ 213.5 Access to Commission resources.

Commission resources, in addition to the Office's resources, are available to an eligible small business to the same extent as those resources are available to members of the general public. No special rights of access to Commission resources shall be accorded to an eligible small business.

§ 213.6 Information concerning assistance.

Any person may contact the Office with questions regarding eligibility for technical assistance. Summaries of the trade laws and the SBA size standards can be obtained by writing to the Trade Remedy Assistance Office, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

By order of the Commission.

Issued: August 10, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89-19204 Filed 8-16-89; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Maduramicin Ammonium With Roxarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Cyanamid Co. The application provides for the use of currently approved maduramicin ammonium 1 percent Type A articles and roxarsone 10, 20, 50, or 80 percent Type A articles to make combination drug Type C broiler feeds. The feeds are for the prevention of coccidiosis and for increased rate of

weight gain and improved feed efficiency.

EFFECTIVE DATE: August 17, 1989.

FOR FURTHER INFORMATION CONTACT:

James F. McComack, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION:

American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, is the sponsor of NADA 140-821. The NADA provides for combining Cygro™ (maduramicin ammonium) 1 percent Type A articles with 3-Nitro™ (roxarsone) 10, 20, 50, or 80 percent Type A articles to make Type C broiler feeds containing 4.54 to 5.45 grams of maduramicin ammonium and 22.7 to 45.4 grams of roxarsone per ton of feed. The Type C broiler feeds are for the prevention of coccidiosis caused by *Eimeria acervulina*, *E. tenella*, *E. brunetti*, *E. maxima*, *E. necatrix*, and *E. mivati*, for increased rate of weight gain and for improved feed efficiency. The NADA is approved and 21 CFR 558.340(c) and 558.530(d)(3) are amended to reflect the approval.

Maduramicin ammonium and roxarsone are new animal drugs used in Type A articles to make combination drug Type C feeds. They are Category II drugs which, as provided for in 21 CFR 558.4(e), require an approved form FD-1900 for making a Type C feed from a Type A article as in this NADA as approved and in the regulations in 21 CFR 558.340 as amended.

In accordance with the freedom of information provisions of Part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animals feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to

the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 558.340 is amended by adding new paragraph (c)(4) to read as follows:

§ 558.340 Maduramicin ammonium.

* * * *

(c) * * *

(4) *Amount.* 4.54 to 5.45 grams per ton (5 to 6 parts per million) with roxarsone 22.7 to 45.4 grams per ton (0.0025 to 0.005 percent).

(i) *Indications for use.* For prevention of coccidiosis caused by *Eimeria* *ccervulina*, *E. tenella*, *E. brunetti*, *E. maxima*, *E. necatrix*, and *E. mivati*; for increased rate of weight gain and improved feed efficiency.

(ii) *Limitations.* For broiler chickens only. Feed continuously as sole ration. Do not feed to laying hens. Drug overdose or lack of water may result in leg weakness. Withdraw 5 days before slaughter. As sole source of organic arsenic. As roxarsone provided by No. 017210 in § 510.600(c) of this chapter. As maduramicin ammonium provided by No. 010042 in § 510.600(c) of this chapter.

3. Section 558.530 is amended by adding new paragraph (d)(3)(xxiv) to read as follows:

§ 558.530 Roxarsone.

* * * *

(d) * * *

(3) * * *

(xxiv) Maduramicin ammonium as in § 558.340.

* * * *

Dated: August 10, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-19305 Filed 8-16-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AC76

Veterans Education; Implementation of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the administration of dependents' educational assistance and benefits provided under the Vietnam-era GI bill. The most important provisions include a change to the way in which the Department of Veterans Affairs (VA) must measure certain courses which do not lead to a standard college degree; a change in the way the eligibility period is determined for some spouses eligible to receive Dependents' Educational Assistance; and a change to the provision governing receipt of benefits under the Vietnam-era GI bill and other education programs administered by VA. These final regulations will better acquaint the public with the way in which VA intends to administer these provisions of law.

EFFECTIVE DATE: October 28, 1986.

FOR FURTHER INFORMATION CONTACT: Alan Zoeckler (225), Acting Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 7785 through 7794 of the Federal Register of February 23, 1989, there was published a notice of intent to amend part 21 in order to implement some provisions of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986. Interested people were given 30 days to submit comments, suggestions or objections. VA received no comments, suggestions or objections. Accordingly, VA is making these amended regulations final.

VA finds that good cause exists for making these regulations, like the sections of the law they implement, retroactively effective on October 26, 1986. To achieve the maximum benefit of this legislation for the affected individuals, it is necessary to implement these provisions of law as soon as possible. A delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; and might result in denial of a benefit to a veteran who is entitled by law to it.

The Department of Veterans Affairs 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 Secretary of Veterans Affairs has certified 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), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulations affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these regulations are 64.111 and 64.117.

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: July 21, 1989.

Edward J. Derwinski,

Secretary.

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

PART 21—[AMENDED]

1. In § 21.1022 paragraph (b) is revised and paragraph (c) is removed to read as follows:

§ 21.1022 Nonduplication—programs administered by the VA.

* * * *

(b) *Chapter 34 and other programs administered by VA.* An individual may not receive educational assistance allowance under 38 U.S.C. chapter 34 concurrently with benefits under any of the provisions of law listed in this paragraph. If a veteran is eligible for educational assistance under 38 U.S.C. chapter 34 and any of the provisions of law listed in this paragraph, he or she must elect which benefit he or she wishes to receive for the program of

education the veteran wishes to pursue. These provisions of law are:

(Authority: 38 U.S.C. 1781; Pub. L. 99-576)

- (1) 38 U.S.C. chapter 31,
- (2) 38 U.S.C. chapter 35,
- (3) 10 U.S.C. chapter 107,
- (4) Section 903 of the Department of Defense Authorization Act, 1981,
- (5) The Hostage Relief Act of 1980,
- (6) 10 U.S.C. chapter 106, or
- (7) 38 U.S.C. chapter 30.

(Authority: 38 U.S.C. 1781; Pub. L. 99-576)

2. Section 21.3022 is revised to read as follows:

§ 21.3022 Nonduplication—programs administered by the VA.

A person who is eligible for educational assistance under 38 U.S.C. chapter 35 and is also eligible for assistance under any of the provisions of law listed in this paragraph cannot receive such assistance concurrently. The eligible person must elect which benefit he or she will receive for the particular period or periods during which education or training is to be pursued. The election is subject to the conditions specified in § 21.4022 of this part. The provisions of law are:

- (a) 38 U.S.C. chapter 30,
- (b) 38 U.S.C. chapter 31,
- (c) 38 U.S.C. chapter 32,
- (d) 38 U.S.C. chapter 34,
- (e) 10 U.S.C. chapter 106,
- (f) 10 U.S.C. chapter 107,
- (g) Section 903 of the Department of Defense Authorization Act, 1981, or
- (h) The Hostage Relief Act of 1980.

(Authority: 38 U.S.C. 1781; Pub. L. 99-576)

3. Section 21.3046 is revised to read as follows:

§ 21.3046 Periods of eligibility; spouses and surviving spouses.

This section states how VA will compute the beginning date, the ending date and the length of a spouse's or surviving spouse's period of eligibility. The period of eligibility of a spouse computed under the provisions of paragraph (a) of this section will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of surviving spouse.

(Authority: 38 U.S.C. 1712(b))

(a) *Beginning date of eligibility period—spouses.* (1) If the permanent total rating is effective before December 1, 1968, the beginning date of the 10-year period of eligibility is December 1, 1968.

(2) The beginning date of eligibility—

- (i) Shall be determined as provided in paragraph (a)(2) of this section when—

- (A) The permanent total rating is effective after November 30, 1968, or the

notification to the veteran of the rating was after that date, and

- (B) Eligibility does not arise under § 21.3021(a)(3)(ii) of this part.

(ii) For spouses for whom VA made a final determination of eligibility before October 28, 1986, shall be—

- (A) The effective date of the rating, or
- (B) The date of notification, whichever is more advantageous to the spouse.

(iii) For spouses for whom VA made a final determination of eligibility after October 27, 1986, shall be—

- (A) The effective date of the rating, or
- (B) The date of notification, or
- (C) Any date between the dates specified in paragraphs (a)(2)(iii) (A) and (B) of this section as chosen by the eligible spouse.

(iv) May not be changed once a spouse has chosen it as provided in paragraph (a)(2)(iii) of this section.

(3) If eligibility arises under § 21.3021(a)(3)(ii) of this part, the beginning date of the 10-year eligibility period is—

- (i) December 24, 1970, or
- (ii) The date the member of the Armed Forces on whose service eligibility is based was so listed by the Secretary concerned, whichever last occurs.

(Authority: 38 U.S.C. 1701(a); Pub. L. 99-576)

(b) *Beginning date of eligibility period—surviving spouses.* (1) If VA determines before December 1, 1968, that the veteran died of a service-connected disability, the beginning date of the 10-year period is December 1, 1968.

(Authority: 38 U.S.C. 1712)

(2) If the veteran's death occurred before December 1, 1968, but VA does not determine that the veteran died of a service-connected disability until after November 30, 1968, the beginning date of the 10-year period is the date on which VA determines that the veteran died of a service-connected disability.

(3) If the veteran's death occurred before December 1, 1968, while a total, service-connected disability evaluated as permanent in nature was in existence, the beginning date of the 10-year period is December 1, 1968.

(4) If the veteran's death occurred after November 30, 1968, and VA makes a final decision concerning the surviving spouse's eligibility for dependents' educational assistance before October 28, 1986, the beginning date of the 10-year period is—

- (i) The date of death of the veteran who dies while a total, service-connected disability evaluated as permanent in nature was in existence, or

- (ii) The date on which VA determines that the veteran died of a service-connected disability.

(5) If the veteran's death occurred after November 30, 1968, and VA makes a final decision concerning the surviving spouse's eligibility for dependents' educational assistance after October 27, 1986, the beginning date of the 10-year period is—

- (i) The date of death of the veteran who dies while a total, service-connected disability evaluated as permanent in nature was in existence, or

- (ii) The date on which VA determines that the veteran died of a service-connected disability, or

- (iii) Any date between the dates specified in paragraphs (b)(5)(i) and (b)(5)(ii) of this section as chosen by the surviving spouse.

(6) Once a surviving spouse has chosen a beginning date of eligibility as provided in paragraph (b)(5) of this section, the surviving spouse may not revoke that choice.

(Authority: 38 U.S.C. 1712(b); Pub. L. 99-576)

(c) *Ending date of eligibility period.*

(1) The period of eligibility cannot exceed 10 years and can be extended only as provided in paragraphs (d) and (e) of this section.

(2) If eligibility arises before October 24, 1972, educational assistance based on a course of apprentice or other on-job training or correspondence approved under the provisions §§ 21.4256, 21.4261, and 21.4262 of this part will not be afforded later than October 23, 1982, unless the eligible spouse or surviving spouse qualifies for the extended period of eligibility provided in paragraph (d) of this section.

(Authority: 38 U.S.C. 1712)

(d) *Extension to ending date.* (1) The ending date of a spouse's period of eligibility may be extended when the spouse is enrolled and eligibility ceases for one of the following reasons:

- (i) The veteran is no longer rated permanently and totally disabled;
- (ii) The spouse is divorced from the veteran without fault on the spouse's part; or

- (iii) The spouse no longer is listed in any of the categories of § 21.3021(a)(3)(ii) of this part.

(2) If the spouse is enrolled in a school operating on a quarter or semester system, VA will extend the period of eligibility to the end of the quarter or semester, regardless of whether the spouse has reached the midpoint of the quarter, semester or term.

(3) If the spouse is enrolled in a school not operating on a quarter or semester system, VA will extend the period of eligibility to the earlier of the following:

- (i) The end of the course, or
- (ii) 12 weeks.

(4) If the spouse is enrolled in a course pursued exclusively by correspondence, VA will extend the period of eligibility to whichever of the following will result in the lesser expenditure:

- (i) The end of the course, or
- (ii) The total additional amount of instruction that \$1,053 will provide.

(Authority: 38 U.S.C. 1711(b))

(5) VA will not extend the period of eligibility when the spouse is pursuing training in a training establishment as defined in § 21.4200(c) of this part.

(6) An extension may not—

- (i) Exceed maximum entitlement, or
- (ii) Extend beyond the delimiting date specified in paragraph (a) or (e) of this section, as appropriate.

(Authority: 38 U.S.C. 1711(b), 1712(b), 1732, 1766)

(e) *Extended period of eligibility due to physical or mental disability.* A spouse or surviving spouse shall receive an extended period of eligibility when he or she applies for it and meets the criteria of § 21.1043(a) of this part. All other provisions of § 21.1043 of this part concerning commencing dates and length of extended periods of eligibility and discontinuance of educational assistance also apply to spouses and surviving spouses who qualify for extended periods of eligibility.

(Authority: 38 U.S.C. 1712(b))

4. In § 21.4022 paragraph (a) is revised to read as follows:

§ 21.4022 Nonduplication programs administered by the VA.

(a) *Election.* A veteran or eligible person who is eligible for education or training benefits under more than one of the provisions of law listed in this paragraph based on his or her own service or based on the service of another person cannot receive such benefits concurrently. The individual must elect which benefit he or she will receive for the particular period or periods during which education or training is to be pursued. Except for an election between 38 U.S.C. chapters 32 and 34 which is irrevocable once a check has been negotiated, the person may reelect at any time.

- (1) 38 U.S.C. chapter 30,
- (2) 38 U.S.C. chapter 31,
- (3) 38 U.S.C. chapter 32,
- (4) 38 U.S.C. chapter 34,
- (5) 38 U.S.C. chapter 35,
- (6) 10 U.S.C. chapter 106,

(7) 10 U.S.C. chapter 107,

(8) Section 903 of the Department of Defense Authorization Act, 1981, or

(9) The Hostage Relief Act of 1980.

(Authority: 38 U.S.C. 1781; Pub. L. 99-576)

5. In § 21.4100 paragraph (c) is revised to read as follows:

§ 21.4100 Counseling.

(c) *Provision of counseling.* VA shall provide counseling as needed for the purposes identified in paragraphs (a) and (b) of this section upon the request of the veteran or eligible person. VA shall provide counseling as needed for the purposes identified in § 21.4101 of this part following either the veteran's initial application for benefits or any communication from the veteran or guardian indicating that the veteran wishes to change his or her program. VA shall take appropriate steps (including notification where feasible) to acquaint all eligible veterans with the availability and advantages of counseling services.

(Authority: 38 U.S.C. 1663; Pub. L. 99-576)

6. Section 21.4101 is revised to read as follows:

§ 21.4101 Counseling—38 U.S.C. Chapter 34.

(a) *Required counseling.* (1) In any case in which VA has rated the veteran as being incompetent, the veteran must be counseled before selecting a program of education or training. The requirement that counseling be provided is met when—

- (i) The veteran has had one or more personal interviews with the counselor;
- (ii) The counselor has jointly developed with the veteran recommendations for selecting a program;
- (iii) These recommendations have been reviewed with the veteran.

(2) The veteran may follow the recommendations developed in the course of counseling, but is not required to do so.

(b) *Other counseling.* Counseling is not required for veterans and servicepersons receiving benefits under 38 U.S.C. chapter 34 for any purpose other than that described in paragraph (a) of this section.

(Authority: 38 U.S.C. 1663; Pub. L. 99-576)

7. Section 21.4103 is revised to read as follows:

§ 21.4103 Failure to cooperate.

VA will take no further action on the application of a veteran or eligible person for assistance under 38 U.S.C. chapter 34 or chapter 35 when he or she—

(a) Fails to report;

(b) Fails to cooperate in the counseling process; or

(c) Does not complete counseling to the extent required under § 21.4101(a) of this part.

(Authority: 38 U.S.C. 1663; Pub. L. 99-576)

8. In § 21.4104 paragraph (a) is revised to read as follows:

§ 21.4104 Travel expenses.

(a) *General.* VA shall determine and pay the necessary expense of travel to and from the place of counseling for a veteran or eligible person who is required to receive counseling if—

- (1) VA determines that the veteran or eligible person is unable to defray the cost based upon his or her annual declaration and certification; or
- (2) The individual has a service-connected disability.

(Authority: 38 U.S.C. 111)

9. In § 21.4136 footnote 3 to the table in paragraph (a) and paragraph (i)(2)(ii) are revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

(a) * * *

(Authority: 38 U.S.C. 1788; Pub. L. 99-576)

(i) * * *

(2) * * *

(ii) All hours of the veteran's related training which occurred during the standard workweek and for which the veteran received wages. (See footnote 5 to § 21.4270(c) of this part as to the requirements for full-time training.)

(Authority: 38 U.S.C. 1787(b)(3))

10. In § 21.4137 footnote 1 to the table in paragraph (a) and paragraph (i)(2)(ii) are revised to read as follows:

§ 21.4137 Rates; educational assistance allowance—38 U.S.C. Chapter 35.

(a) * * *

(Authority: 38 U.S.C. 1788; Pub. L. 99-576)

(i) * * *

(2) * * *

(ii) All hours of the eligible person's related training which occurred during the standard workweek and for which the eligible person received wages. (See footnote 5 to § 21.4270(c) of this part as

* See footnote 5 of § 21.4270(c) of this part for measurement of full time and paragraph (i) of this section for proportionate reduction in award for completion of less than 120 hours per month.

* See footnote 5 of § 21.4270(c) of this part for measurement of full time and paragraph (i) of this section for proportionate reduction in award for completion of less than 120 hours per month.

to the requirements for full-time training.)

(Authority: 38 U.S.C. 1787(b)(3))

11. In § 21.4138 paragraph (b) and paragraph (f)(2)(i) are revised to read as follows:

§ 21.4138 Certifications and release of payments.

(b) *Other lump-sum payments.* Such a certification by an institution will be sufficient to release the payment of a lump-sum to or on behalf of the individual for the entire quarter, semester or term not later than the last day of the month following receipt of the certification by VA provided the individual is:

(Authority: 38 U.S.C. 1780(f); Pub. L. 99-576)

(f) * * *

(2) * * *

(i) The Director of the VA field station of jurisdiction may authorize payment to be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation.

(A) If the Director has authorized payment due to an emergency school closing resulting from a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Vocational Rehabilitation and Education Service will decide if payments may be continued. The decision will be based on a full assessment of the strike situation. Further payments will not be authorized if in his or her judgment the school closing will not be temporary.

(B) A school which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the VA field station where the decision was made. The Director, Vocational Rehabilitation and Education Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Vocational Rehabilitation and Education Service has the authority either to affirm or reverse a decision of the Director of a VA field station.

(Authority: 38 U.S.C. 1780(a))

12. In § 21.4203 paragraphs (a), (b), the introductory text of paragraph (c), the

introductory text of paragraph (d), paragraph (d)(1), and paragraph (e) are revised, the introductory text of paragraph (f) is added and paragraph (f)(1)(i), and the introductory text of paragraph (h) are revised to read as follows:

§ 21.4203 Reports—requirements.

(a) *General.* All the reports required by this paragraph shall be in a form specified by the Secretary.

(1) Except as provided in paragraph (a)(2) of this section each educational institution, veteran and eligible person shall report without delay such information on enrollment, entrance, reentrance, change in the hours of credit or attendance, pursuit, interruption and termination of attendance of each veteran or eligible person enrolled in an approved course as the Secretary may require and using a form specified by the Secretary. See paragraphs (b) through (h) of this section.

(2) An educational institution may delay in reporting the enrollment or reenrollment of a veteran or an eligible person until the end of the term, quarter, or semester when—

(i) The veteran or eligible person is enrolled in a program of independent study;

(ii) The veteran or eligible person is pursuing the program on a less than half-time basis;

(iii) The educational institution has asked the Director of the VA field station of jurisdiction in writing for permission to delay in making the report; and

(iv) The Director of the VA field station of jurisdiction has determined that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of the program.

(3) An educational institution which disagrees with a decision of a Director of a VA field station as to whether it may delay reporting enrollments or reenrollments as provided in paragraph (a)(2) of this section may ask to have that decision reviewed by the Director, Vocational Rehabilitation and Education Service. That request must be made in writing to the Director of the VA field station within one year of the date of the letter notifying the educational institution of the original decision.

(4) An educational institution which, under paragraph (a)(2) of this section, is delaying the reporting of the enrollment or reenrollment of a veteran shall provide the veteran with notice of the delay at the time that the veteran enrolls or reenrolls.

(5) In addition, educational institutions must—

(Authority: 38 U.S.C. 1785; Pub. L. 99-576)

(i) Verify enrollment for each veteran and eligible person receiving an advance payment; and

(ii) Verify the delivery of advance payment check and education loan check for each veteran and eligible person receiving an advance payment or loan.

(6) Nothing in this section or in any section in 38 CFR part 21 shall be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

(Authority: 38 U.S.C. 1780(d), 1784, 1785, 1798; Pub. L. 95-202, Pub. L. 96-466; Pub. L. 99-576)

(b) *Certifications of enrollment.* All the reports required by this paragraph shall be in a form specified by the Secretary.

(1) VA requires that educational institutions report all entrances and reentrances on a certification of enrollment.

(2) All educational institutions, regardless of the way in which they are organized, must clearly specify the course in which the veteran or eligible person is enrolled.

(3) Schools organized on a term, quarter or semester basis—

(i) May report enrollment for the term, quarter, semester, ordinary school year plus the following summer term.

(ii) May not report enrollment for a period that exceeds the ordinary school year plus the following summer term.

(iii) Must report the dates for the break between terms if—

(A) The certification covers two or more terms, and a term ends and the following term does not begin in the same or the next calendar month;

(B) The veteran or eligible person elects not to be paid for the intervals between terms;

(C) The certification covers two or more summer sessions; or

(D) The certification covers at least one summer session and at least one term which is not a standard semester or quarter.

(iv) Must submit a separate enrollment certification for each term, quarter or semester if the student—

(A) Is a veteran or eligible person pursuing a program on a less than half-time basis, or

(B) Is a serviceperson.

(Authority: 38 U.S.C. 1784(a); Pub. L. 99-576)

(v) Where a veteran or an eligible person, who is pursuing a course leading to a standard college degree, transfers

between consecutive school terms from one approved institution to another approved institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of educational assistance allowance be considered to be enrolled at the first institution during the interval, if the interval does not exceed 30 days, following the termination date of the school term of the first institution.

(Authority: 38 U.S.C. 1780)

(c) *Nonpunitive grade.* A school may assign a nonpunitive grade for a course or subject in which the veteran or eligible person is enrolled even though the veteran or eligible person does not withdraw from the course or subject. When this occurs, the school must report the assignment of the nonpunitive grade in a form specified by the Secretary in time for VA to receive it before the earlier of the following dates is reached:

* * * * *

(d) *Interruptions, terminations and changes in hours of credit or attendance.* When a veteran or eligible person interrupts or terminates his or her training for any reason, including unsatisfactory conduct or progress, or when he or she changes the number of hours of credit or attendance, this fact must be reported to VA by the school in a form specified by the Secretary.

(1) If the change in status or change in number of hours of credit or attendance occurs on a day other than one indicated by paragraph (d) (2) or (3) of this section, the school will initiate a report of the change in time for the VA to receive it within 30 days of the date on which the change occurs. If the course in which the veteran or eligible person is enrolled does not lead to a standard college degree, and attendance must be certified for the course, the school may include the information on the monthly certification of attendance.

(Authority: 38 U.S.C. 1784(a), 1788(a); Pub. L. 99-576)

* * * * *

(e) *Correspondence courses.* Where the course in which a veteran is enrolled under 38 U.S.C. Chapter 34 or a spouse or surviving spouse is enrolled under 38 U.S.C. Chapter 35 is pursued exclusively by correspondence, the school will report by an endorsement on the veteran's or eligible spouse's or surviving spouse's certification the number of lessons completed by the veteran, spouse or surviving spouse and serviced by the school. Such reports will

be submitted quarterly in a form specified by the Secretary.

(Authority: 38 U.S.C. 1780)

(f) *Certification.* All reports required by this paragraph must be in a form specified by the Secretary.

(1) *Courses not leading to a standard college degree.*

(i) Except as provided in this paragraph VA requires that a certification of attendance be submitted monthly for each veteran or eligible person enrolled in a course not leading to a standard college degree. The fact that the course may be pursued on a quarter, semester or term basis will not relieve the veteran or eligible person and the school of this requirement. Unless exempted by this paragraph this requirement also applies to courses measured on a credit-hour basis. This requirement does not apply to—

(A) Courses measured on a credit-hour basis pursuant to footnote 6 of § 21.4270(a),

(B) A course pursued on a less than one-half-time basis,

(C) A course pursued by a serviceperson while on active duty, or

(D) A correspondence course which must meet the requirements of paragraph (e) of this section.

(Authority: 38 U.S.C. 1780(a)(2), 1788(a)(7); Pub. L. 99-576)

* * * * *

(h) *Unsatisfactory progress or conduct.* At times the unsatisfactory progress or conduct of a veteran or eligible person is caused by or results in his or her interruption or termination of training. If this occurs, the interruption or termination shall be reported in accordance with paragraph (d) of this section. If the veteran or eligible person continues in training despite making unsatisfactory progress, the fact of his or her unsatisfactory progress must be reported to VA, if such a report is required, within the time allowed by paragraph (h)(1) and (2) of this section in a form specified by the Secretary.

(Authority: 38 U.S.C. 1674)

* * * * *

13. In § 21.4204, paragraph (a) is revised to read as follows:

§ 21.4204 Periodic certification.

(a) *Reports by schools, veterans and eligible persons.* (1) Except as provided in paragraph (a)(2) of this section VA will require verification of continued enrollment in and pursuit of a course for the entire enrollment period for—

(i) A veteran or eligible person enrolled in a course which leads to a standard college degree; and

(ii) A veteran or eligible person pursuing a course not leading to a standard college degree which qualifies for credit-hour measurement pursuant to § 21.4270(a), footnote 6, of this part.

(2) The provisions of paragraph (a)(1) of this section do not apply to a veteran or eligible person who—

(i) Is on active duty, or

(ii) Is pursuing his or her program of education on a less than half-time basis.

(3) Verification of continued enrollment will be made at least once per year, and in the last month of enrollment if the enrollment period ends more than 3 months after the last verification. In the case of a veteran or eligible person who completed, interrupted or terminated his or her course, any communication from the student or other authorized person notifying VA of the veteran's or eligible person's completion of the course as scheduled or of an earlier termination date, will be accepted to terminate payments accordingly. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203(e), (f) or (g) of this part.

(Authority: 38 U.S.C. 1780(a)(7), 1780(g); Pub. L. 99-576)

* * * * *

14. In § 21.4230, paragraph (e) is revised to read as follows:

§ 21.4230 Requirements.

* * * * *

(e) *Selection—chapter 35.* VA will approve a program of educational assistance selected by an eligible person if—

(1) It meets the requirements of paragraphs (a) and (b) or (c) of this section, and

(2) The individual is not already qualified for the objective of the program of education.

(Authority: 38 U.S.C. 1721; Pub. L. 99-576)

* * * * *

§ 21.4231 [Removed]

15. Section 21.4231 is removed.

16. In § 21.4232, paragraph (a)(3) is revised to read as follows:

§ 21.4232 Specialized vocational training—38 U.S.C. chapter 35.

(a) * * *

(3) Both the counseling psychologist and the Vocational Rehabilitation Panel will assist in developing the program, if the counseling psychologist has previously determined that the course is in the eligible person's best interest.

(Authority: 38 U.S.C. 1721, 1736; Pub. L. 99-576)

* * * * *

17. In § 21.4233 paragraphs (a)(1) and (b)(1) and (2) are revised, and paragraphs (b)(3) through (b)(5) are added to read as follows:

§21.4233 Combination.

* * *

(a) * * *

(1) That the alternate in-school periods of the course are at least as long as the alternate periods in the business or industrial establishment; in determining this relationship between the two components of the course, training received in a business or industrial establishment during a vacation or officially scheduled school break period shall be excluded from the calculation; where the course is approved as continuous part-time work and part-time study in combination, it shall be measured on the basis of the ratio which each portion of the training bears to full time as defined in § 21.4270(c) of this part. The institutional portion must be at least equivalent to one-half time training and must be combined with a job training portion sufficient for the combined training to equal full time.

(Authority: 38 U.S.C. 1682(a)(2) and 1732(b))

(b) * * *

(1) Where the standards for measurement of the courses pursued concurrently in the two schools are different, VA will measure the veteran's or eligible person's enrollment by converting the units of measurement for courses in the second school to the equivalent in value expressed in units of measurement required for the courses in the program of education which the veteran or eligible person is pursuing at the primary institution. This conversion will be accomplished as follows.

(i) If VA measures the course at the primary institution on a credit-hour basis, including a course which does not lead to a standard college degree, which is being measured on a credit-hour basis as provided in § 21.4270(a), footnote 6 of this part, and—

(A) VA measures the course in the second school on a mixed basis as provided in § 21.4270(b) of this part, VA will add to the credit hours the veteran or eligible person is pursuing at the primary institution the credit hours attributable to any course the veteran or eligible person is pursuing at the second school which VA could measure on a credit-hour basis. The clock hours attributable to the other courses pursued at the second school will be converted to credit hours;

(B) VA measures the courses at the second school on a clock-hour basis, the

clock hours will be converted to credit hours.

(ii) If VA measures the course at the primary institution on a mixed basis as provided in § 21.4270(b) of this part and—

(A) VA measures the course at the second school on a credit-hour basis, the credit hours pursued at the second school will be added to the credit hours the veteran or eligible person is pursuing at the primary institution and the resulting credit hours will be used in making the calculations required by § 21.4270(b) of this part;

(B) VA measures the courses at the second school on a clock-hour basis, the clock hours being pursued at the second school will be added to those pursued at the primary institution before making the calculations required by § 21.4270(b) of this part.

(iii) If VA measures the courses pursued at the primary institution on a clock-hour basis, and

(A) VA measures the courses pursued at the second school on a mixed basis, the courses pursued at the second school which VA can measure on a credit-hour basis for at least one program at the second school will be converted to clock hours and the resulting clock hours added to determine the veteran's or eligible person's training time; or

(B) VA measures the courses pursued at the second school on a credit-hour basis, including courses which qualify for credit-hour measurement on the basis of § 21.4270(a), footnote 6, of this part, VA will convert the credit hours to clock hours to determine the veteran's training time.

(2) If the provisions of paragraph (b)(1) of this section require VA to convert clock hours to credit hours, it will do so by—

(i) Dividing the number of credit hours which VA considers to be full-time at the educational institution whose courses are measured on a credit-hour basis by the number of clock hours which are full-time at the educational institution whose courses are measured on a clock-hour basis; and

(ii) Multiplying each clock hour of attendance by the decimal determined in paragraph (b)(2)(i) of this section. VA will drop all fractional hours.

(3) If the provisions of paragraph (b)(1) of this section require VA to convert credit hours to clock hours, it will do so by—

(i) Dividing the number of clock hours which VA considers to be full-time at the educational institution whose courses are measured on a clock-hour basis by the number of credit hours

which are full-time at the educational institution whose courses are measured on a credit-hour basis; and

(ii) Multiplying each credit hour by the number determined in paragraph (b)(3)(i) of this section. VA will drop all fractional hours.

(4) Where the standards for measurement of the courses pursued concurrently in the two schools are the same, VA will measure the veteran's or eligible person's enrollment by adding together the units of measurement for the courses in the second school to the units of measurement for the courses in the primary institution. The standard for full time will be the full-time standard for the courses at the primary institution. If courses at both schools are measured on a mixed basis so that the provisions of § 21.4270(b) of this part must be applied to the enrollment, VA will separately add the credit hours and the clock hours first, and then apply the provisions of § 21.4270(b) of this part. In applying those provisions, VA will use the standard for full time at the primary institution.

(5) Periodic certifications of training will be required from the veteran and each of the schools where concurrent enrollment is approved in a course which does not lead to a standard college degree and to which the measurement provisions of § 21.4270(a), footnote 6, of this part do not apply. (See §§ 21.4203 and 21.4204.)

(Authority: 38 U.S.C. 1788)

* * *

18. In § 21.4264 paragraph (c)(2) is revised to read as follows:

§ 21.4264 Farm cooperative courses.

* * *

(c) * * *

(2) The time involved in field trips and individual and group instruction, sponsored and conducted by the educational institution offering farm cooperative courses may be counted toward meeting the clock-hour requirements. See § 21.4270(c) of this part for measurement of farm cooperative courses.

(Authority: 38 U.S.C. 1682, 1732)

* * *

19. In § 21.4270, the table entitled "Courses" in paragraph (a) is revised; new paragraph (c) is added; the table titled "Courses" in paragraph (b) is moved to the newly added paragraph (c) and the remaining portion of paragraph (b) is revised to read as follows:

§ 21.4270 Measurement of courses.

(a) * * *

COURSES

Kind of school	Kind of course	Full time	$\frac{3}{4}$ time	$\frac{1}{2}$ time	Less than $\frac{1}{2}$ time more than $\frac{1}{4}$ time	$\frac{1}{4}$ time or less
Trade or technical-nonaccredited (includes college courses not leading to a standing and degree.) ¹	Shop practice an integral part of course. ⁷	30 clock hours attendance with not more than 2½ hours rest period allowance and not more than 5 hours of supervised study.	22 through 29 clock hours attendance with not more than 2 hours rest period allowance and not more than 3¾ hours of supervised study.	15 through 21 clock hours attendance with not more than 1¾ hours rest period allowance and not more than 2½ hours of supervised study.	8 through 14 clock hours attendance with not more than ¾ hour rest period allowance and not more than ¼ hour of supervised study.	1 through 7 clock hours attendance.
	Theory and class instruction predominates. ^{2,7}	25 clock hours net instruction and not more than 5 hours of supervised study.	18 through 24 clock hours net instruction and not more than 3¾ hours of supervised study.	12 through 17 clock hours net instruction and not more than 2½ hours of supervised study.	7 through 11 clock hours net instruction and not more than 1¾ hours of supervised study.	1 through 6 clock hours net instruction.
Trade or technical-accredited (includes college courses not leading to a standard degree). ¹	Shop practice an integral part of course. ^{3,6,7}	22 clock hours attendance with not more than 2½ hours rest period allowance.	16 through 21 clock hours attendance with not more than 2 hours rest period allowance.	11 through 15 clock hours attendance with not more than 1¾ hours rest period allowance.	6 through 10 clock hours attendance with not more than ¾ hour rest period allowance.	1 through 5 clock hours attendance.
	Theory and class instruction predominates. ^{2,3,6,7}	18 clock hours net instruction.	13 through 17 clock hours net instruction.	9 through 12 clock hours net instruction.	5 through 8 clock hours net instruction.	1 through 4 clock hours net instruction.
High school nonaccredited.	High school diploma or equivalent. ^{2,5}	25 clock hours net instruction and not more than 5 hours of supervised study or 4 units per year or equivalent.	18 through 24 clock hours net instruction and not more than 3¾ hours of supervised study or 3 units per year or equivalent.	12 through 17 clock hours net instruction and not more than 2½ hours of supervised study or 2 units per year or equivalent.	7 through 11 clock hours net instruction and not more than 1¾ hours of supervised study or 1 unit per year.	1 through 6 clock hours net instruction.
High school accredited.	High school diploma or equivalent. ^{2,4}	18 clock hours net instruction or 4 units per year or equivalent.	13 through 17 clock hours net instruction or 3 units per year or equivalent.	9 through 12 clock hours net instruction or 2 units per year or equivalent.	5 through 8 clock hours net instruction or 1 unit per year or equivalent.	1 through 4 clock hours net instruction.
Elementary school nonaccredited. ¹	High school preparatory. ²	25 clock hours net instruction and not more than 5 hours of supervised study.	18 through 24 clock hours net instruction and not more than 3¾ hours of supervised study.	12 through 17 clock hours net instruction and not more than 2½ hours of supervised study.	7 through 11 clock hours net instruction and not more than ¾ hour of supervised study.	1 through 6 clock hours net instruction.
Elementary school accredited. ¹	do ²	18 clock hours net instruction.	13 through 17 clock hours net instruction.	9 through 12 clock hours net instruction.	5 through 8 clock hours net instruction.	1 through 4 clock hours net instruction.

¹ An educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis as indicated for collegiate undergraduate courses in paragraph (b) of this section for an enrollment or reenrollment which begins before May 20, 1988, provided: (1) The academic portions of such courses require outside preparation and are measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit, (2) the laboratory portions of such courses are measured on a minimum of 2 hours of attendance per week for each quarter or semester hour of credit, and (3) the shop portions of such courses are measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. An educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis as indicated for collegiate undergraduate courses in paragraph (b) of this section for an enrollment or reenrollment which begins after May 19, 1988, provided: (1) The academic portions of such courses require outside preparation and are measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit, (2) the laboratory portions of such courses are measured on a minimum of 2 hours (or two 50-minute periods) of attendance per week for each quarter or semester hour of credit, and (3) the shop portions of such courses are measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. In no event shall such courses be considered a full-time course when less than 22 hours per week of attendance is required. Not more than 2 hours rest period shall be allowed per week for courses in which shop practice is an integral part of full time courses; 1½ hours for three-quarter-time courses of 16-21 clock hours; 1 hour for one-half-time courses of 11-15 clock hours; or ½ hour for less than half-time courses of 6-10 clock hours; no rest period shall be allowed for courses of less than 6 clock hours of attendance.

(Authority: 38 U.S.C. 1788; Pub. L. 100-322)

² In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice and rest periods are excluded. Supervised instruction periods in school's shops, in farm cooperative programs and the time involved in field trips and individual and group instruction may be included in computing the clock hour requirements.

³ Supervised study must be excluded.

⁴ Diploma course or equivalent based on completion of 16 instruction units. If student is pursuing a course at a rate which would result in an accredited academic high school diploma at the end of 4 ordinary school years, he or she is considered in full-time training. High school diploma courses or equivalent available only for Chapters 32 and 34 and eligible spouses and surviving spouses under Chapter 25.

⁵ Diploma course or equivalent based on completion of 16 instruction units. High school diploma courses or equivalent are available only for Chapters 32 and 34 and eligible spouses and surviving spouses under Chapter 35.

⁶ VA will measure the veteran's or eligible person's enrollment in a course not leading to a standard college degree on a credit hour basis whenever all the conditions listed in this footnote are met. The veteran or eligible person is enrolled in a course which is offered during the school year by a fully accredited institution of higher learning in residence on a standard quarter or semester hour basis, and the course is approved pursuant to 38 U.S.C. 1775. A majority of the total credits required for the course is derived from unit courses or subjects offered by that institution of higher learning as part of the course, approved pursuant to 38 U.S.C. 1775, leading to a single standard college degree. When all of the conditions of this footnote are met the VA will measure the veteran's or eligible person's enrollment in the same manner as collegiate undergraduate courses are measured in paragraph (c) of this section (including footnote 2 to that paragraph). VA will apply the provisions of § 21.4272(e) of this part and measure these courses as though they were undergraduate courses using the "normal method," when appropriate. VA will apply the provisions of § 21.4272(f) of this part if one or more of the veteran's or eligible person's courses have insufficient standard class sessions; and VA will apply § 21.4272(g) of this part if one or more of the veteran's or eligible person's courses are offered during a nonstandard term.

(Authority: 38 U.S.C. 1788(a)(7); Pub. L. 99-576)

⁷ VA will measure the veteran's or eligible person's enrollment as provided in paragraph (b) of this section when the provisions of that paragraph are met. (Authority: 38 U.S.C. 1788(e); Pub. L. 99-576)

(b) *Mixed credit-hour and clock-hour measurement.* (1) When a course not leading to a standard college degree in which the veteran or eligible person is enrolled cannot qualify for credit-hour measurement under either footnote 1 or footnote 6 of paragraph (a) of this section, VA will measure the course on a combined clock-hour and credit-hour basis when the provisions of this paragraph are met.

(i) The course in which the veteran or eligible person is enrolled—

(A) Is offered by an institution of higher learning, and

(B) Does not lead to a standard college degree; and

(ii) The institution of higher learning requires as part of the reservist's program of education one or more unit subjects for which credit is granted toward a standard college degree; and

(2) VA will apply—

(i) The provisions of paragraph (c) of this section and the provisions § 21.4272

(e), (f) and (g) of this part, where appropriate, to the portion of the veteran's or eligible person's enrollment consisting of the unit subject or subjects described in paragraph (b)(1)(ii) of this section measured on a credit-hour basis, and

(ii) The provisions of paragraph (a) of this section to the portion of the veteran's or eligible person's enrollment which is being measured on a clock-hour basis.

(3) For a veteran or eligible person enrolled in a school where 12 credit hours are normally full-time, and where the courses which must be measured on a clock-hour basis would normally require 18 clock hours net instruction because the course is accredited and theory and class instruction predominate as provided in paragraph (f)(2) of this section, VA will measure enrollment as provided in the following table. Clock hours in the table include

customary intervals not to exceed 10 minutes between classes. Shop practices and rest periods are excluded. Supervised instruction periods in schools' shops and the time involved in field trips and individual and group instruction may be included in computing the clock-hour requirements. Credit hours in this table refer to credit hours pursued during a semester or quarter as defined in § 21.4200(b) of this part. If the semester or quarter is not one which meets the definition of § 21.4200(b) of this part, before using the table VA will convert the credit hours being pursued by the veteran or eligible person to equivalent credit hours using the procedure found in § 21.4272(g) of this part. If there are insufficient class sessions to support the credit hours in which the veteran or eligible person is enrolled, VA will use the class sessions as a basis for measurement as described in § 21.4272(f)(2) of this part.

Credit hour enrollment	Required clock hours for each training time				
	Full time	3/4 time	1/2 time	Less than 1/2 but more than 1/4 time	1/4 time
1 credit hour.....	16 or more clock hours net instruction.	11 to 15 clock hours net instruction.	7 to 10 clock hours net instruction.	3 to 6 clock hours net instruction.	0 to 2 clock hours net instruction.
2 credit hours.....	15 or more clock hours net instruction.	10 to 14 clock hours net instruction.	6 to 9 clock hours net instruction.	2 to 5 clock hours net instruction.	0 to 1 clock hours net instruction.
3 credit hours.....	13 or more clock hours net instruction.	9 to 12 clock hours net instruction.	4 to 8 clock hours net instruction.	1 to 3 clock hours net instruction.	0 clock hours.
4 credit hours.....	12 or more clock hours net instruction.	7 to 11 clock hours net instruction.	3 to 6 clock hours net instruction.	0 to 2 clock hours net instruction.	(¹)
5 credit hours.....	10 or more clock hours net instruction.	6 to 9 clock hours net instruction.	1 to 5 clock hours net instruction.	0 clock hours.....	(¹)
6 credit hours.....	9 or more clock hours net instruction.	4 to 8 clock hours net instruction.	0 to 3 clock hours net instruction.	(¹).....	(¹)
7 credit hours.....	7 or more clock hours net instruction.	3 to 6 clock hours net instruction.	0 to 2 clock hours net instruction.	(¹).....	(¹)
8 credit hours.....	6 or more clock hours net instruction.	1 to 5 clock hours net instruction.	0 clock hours.....	(¹).....	(¹)
9 credit hours.....	4 or more clock hours net instruction.	0 to 3 clock hours net instruction.	(¹).....	(¹).....	(¹)
10 credit hours.....	3 or more clock hours net instruction.	0 to 2 clock hours net instruction.	(¹).....	(¹).....	(¹)
11 credit hours.....	1 or more clock hours net instruction.	0 clock hours.....	(¹).....	(¹).....	(¹)

¹ Not applicable.

(4) For a veteran or eligible person enrolled in a school where 12 credit hours are normally full-time, and where the courses which must be measured on a clock-hour basis would normally require 22 clock hours net instruction because the course is accredited and shop practice predominates, VA will measure enrollment as provided in the following table. Supervised study is

excluded from the clock hours included in this table. Credit hours in this table refer to credit hours pursued during a semester or quarter as defined in § 21.4200(b) of this part. If the semester or quarter is not one which meets the definition of § 21.4200(b) of this part, before using the table, VA will convert the credit hours being pursued by the veteran or eligible person to equivalent

credit hours using the procedure found in § 21.4272(g) of this part. If there are insufficient class sessions to support the credit hours in which the veteran or eligible person is enrolled, VA will use the class sessions as a basis for measurement as described in § 21.4272(f)(2) of this part.

Credit hour enrollment	Required clock hours for each training time				
	Full time	¾ time	½ time	Less than ½ but more than ¼ time	¼ time
1 credit hour	20 or more clock hours attendance with not more than 2¼ hours rest period allowance.	14 to 19 clock hours attendance with not more than 1½ hours rest period allowance.	9 to 13 clock hours attendance with not more than 1 hour rest period allowance.	4 to 8 clock hours attendance with not more than ½ hour rest period allowance.	0 to 3 clock hours attendance
2 credit hour	18 or more clock hours attendance with not more than 2 hours rest period allowance.	12 to 17 clock hours attendance with not more than 1½ hours rest period allowance.	7 to 11 clock hours attendance with not more than ¾ hour rest period allowance.	3 to 6 clock hours attendance with not more than ¼ hour rest period allowance.	0 to 2 clock hours attendance instruction
3 credit hour	16 or more clock hours attendance with not more than 1¾ hours rest period allowance.	11 to 15 clock hours attendance with not more than 1½ hours rest period allowance.	5 to 10 clock hours attendance with not more than ¾ hour rest period allowance.	1 to 4 clock hours attendance with not more than ¼ hour rest period allowance.	0 clock hours
4 credit hour	15 or more clock hours attendance with not more than 1¾ hours rest period allowance.	9 to 14 clock hours attendance with not more than 1¼ hours rest period allowance.	4 to 8 clock hours attendance with not more than ½ hour rest period allowance.	0 to 3 clock hours attendance.	(¹)
5 credit hour	13 or more clock hours attendance with not more than 1½ hours rest period allowance.	7 to 12 clock hours attendance with not more than 1 hour rest period allowance.	2 to 6 clock hours attendance with not more than ¼ hour rest period allowance.	0 to 1 clock hour attendance.	(¹)
6 credit hour	11 or more clock hours attendance with not more than 1¼ hours rest period allowance.	5 to 10 clock hours attendance with not more than ¾ hour rest period allowance.	0 to 4 clock hours attendance.	(¹)	(¹)
7 credit hour	9 or more clock hours attendance with not more than 1 hour rest period allowance.	3 to 8 clock hours attendance with not more than ½ hour rest period allowance.	0 to 2 clock hours attendance.	(¹)	(¹)
8 credit hour	7 or more clock hours attendance with not more than ¾ hour rest period allowance.	2 to 6 clock hours attendance with not more than ¼ hour rest period allowance.	0 to 1 clock hours attendance.	(¹)	(¹)
9 credit hour	5 or more clock hours attendance with not more than ½ hour rest period allowance.	0 to 4 clock hours attendance.	(¹)	(¹)	(¹)
10 credit hour	4 or more clock hours attendance with not more than ½ hour rest period allowance.	0 to 3 clock hours attendance.	(¹)	(¹)	(¹)
11 credit hour	2 or more clock hours attendance with not more than ¼ hour rest period allowance.	0 to 1 clock hours attendance.	(¹)	(¹)	(¹)

¹ Not applicable.

(5) VA will measure an enrollment as provided in this paragraph when the provisions of paragraph (b)(1) of this section apply to the enrollment, but neither the provisions of paragraph (b)(3) nor (4) apply. This may occur when either the courses which must be measured on a clock-hour basis normally require neither 18 clock hours attendance nor 22 clock hours net instruction, or 12 credit hours are not normally full-time at the school, or both. Credit hours in this paragraph refer to credit hours pursued during a semester or quarter as defined in § 21.4200(b) of this part. If the semester or quarter is not one which is defined in § 21.4200(b) of this part, before using the procedure in this paragraph VA will convert the credit hours being pursued by the veteran or eligible person to equivalent credit hours using the procedure found in § 21.4272(g) of this part. If there are insufficient class sessions to support the credit hours in which the veteran or

eligible person is enrolled, VA will use the class sessions as a basis for measurement as described in § 21.4272(f)(2) of this part. VA will—

(i) Divide the number of credit hours in which the veteran or eligible person is enrolled by the number of credit hours normally considered full time at the school;

(ii) Multiply the percentage determined in paragraph (b)(5)(i) of this section by the number of clock hours of attendance or net instruction, as appropriate, which paragraph (a) of this section requires for each training time;

(iii) Subtract the result determined in paragraph (b)(5)(ii) of this section from the minimum number of clock hours of attendance or net instruction, as appropriate, which paragraph (a) of this section requires for each training time (rounding to the nearest clock hour and dropping fractions of one-half hour to the next lower clock hour).

(iv) Multiply the length of time (if any) provided in paragraph (a) of this section for a rest period allowance by the percentage determined in paragraph (b)(5)(i) of this section;

(v) Subtract the length of time determined in paragraph (b)(5)(iv) of this section from the length of time determined in paragraph (f) of this section for a rest period allowance (rounding to the nearest quarter-hour and dropping fractions of 7½ minutes to the next lower quarter-hour); and

(vi) Measure the enrollment on the basis of the greatest training time permitted by the number of clock hours in which the veteran or eligible person is enrolled and the length of his or her rest period allowance.

(Authority: 38 U.S.C. 1788(e); Pub. L. 99-576)

(c) *Collegiate graduate, professional and on-the-job training courses.* Collegiate graduate, professional and on-the-job training courses shall be

measured as stated in this table. This shall be used for measurement of collegiate undergraduate courses subject to all the measurement criteria of § 21.4272. Clock hours and sessions mentioned in this table mean clock hours and class sessions per week.

(Authority: 38 U.S.C. 1682, 1732, 1777, 1787, 1788)

20. In § 21.4271 paragraphs (a) and (b) are revised to read as follows:

§ 21.4271 Trade or technical—high schools.

(a) *Shop practice predominates.* Except as provided in § 21.4270(a), footnotes 1, 6 and 7 of this part, trade or technical courses which include shop practice as an integral part of the course, will be measured on a basis of clock hours of attendance per week. This includes such courses under the supervision of a college or university where credit is not given towards a standard college degree.

(Authority: 38 U.S.C. 1788(a), 1788(e); Pub. L. 99-576)

(b) *Theoretical or classroom instruction predominates.* Except as provided in § 21.4270(a), footnotes 1, 6 and 7 of this part, a technical course in which theoretical or classroom instruction constitutes more than 50 percent of the required hours per week, will be measured on the basis of clock hours of net instruction per week. This includes such courses given by a college or university for which credit is not granted towards a standard college degree.

(Authority: 38 U.S.C. 1788(a), 1788(e); Pub. L. 99-576)

* * *

21. In § 21.4272, paragraph (c) is removed and reserved, paragraphs (d), (e), (f)(2)(i), (f)(3)(iii), (g)(3), (i)(1)(i), and (i)(1)(iii) are revised to read as follows:

§ 21.4272 Collegiate course measurement.

* * *

(d) *Course measurement general.* When an undergraduate course qualifies for credit-hour measurement, VA will measure it according to the table contained in § 21.4270(c) of this part.

(Authority: 38 U.S.C. 1788(a); Pub. L. 99-576)

(e) *Course measurement normal method.* VA will use the table in § 21.4270(c) of this part for measurement of a collegiate undergraduate course without adjusting the credit hours assigned by a school when the course is one of the following.

* * *

(f) *Course measurement; insufficient standard class sessions.*

* * *

(2) * * *

(i) VA will determine training time for those weeks by using the table in § 21.4270(c) of this part without adjustment when the published accrediting standards of the accrediting agency that accredits the course or the educational institution offering the course permit a class session which is somewhat shorter than that stated in § 21.4200(g) of this part while requiring an overall level of educational pursuit that approximates the level required by courses offered on a standard quarter- or semester-basis.

(Authority: 38 U.S.C. 1788(b); Pub. L. 99-576)

* * *

(3) * * *

(iii) Considering the standard class sessions to be the same as credit hours for the purpose of using the table in § 21.4270(c) of this part to determine training time for the week.

(Authority: 38 U.S.C. 1788(b); Pub. L. 99-576)

* * *

(g) * * *

(3) The quotient resulting from the use of the formula is called equivalent credit hours. VA treats equivalent credit hours as credit hours for measurement purposes. If there is at least one regularly scheduled standard class session per equivalent credit hour each week, VA will use the number of equivalent credit hours to compute educational assistance allowance using the criteria of § 21.4270(c) of this part of the criteria of footnote 2 of that paragraph, whichever is appropriate. If a week contains less than one standard class session per equivalent credit hour, VA will determine training time according to the provisions of paragraph (f)(2) of this section.

(Authority: 38 U.S.C. 1788(b); Pub. L. 99-576)

* * *

(i) * * *

(1) * * *

(i) If the independent study credit hours the veteran or eligible person is pursuing would equal half time or more, according to the table in § 21.4270(c) of this part, VA shall convert them to the highest number of hours considered to be less than half time training. If the independent study is not measured on a credit-hour basis, VA will assign a credit-hour evaluation to independent study based on the highest number of credit hours considered to be less than half-time training.

(Authority: 38 U.S.C. 1788(b); Pub. L. 99-576)

* * *

(iii) VA will use the total hours computed in paragraph (i)(1)(i) of this section to determine the training time based upon the measurement criteria found in § 21.4270(c) of this part.

(Authority: 38 U.S.C. 1788(b); Pub. L. 99-576)

22. In § 21.4275 paragraph (a) is revised to read as follows:

§ 21.4275 Practical training course; measurement.

(a) *Medical and dental residencies and osteopathic internships and residencies.* VA will measure medical and dental residencies, and osteopathic internships and residencies as provided in § 21.4270(c) of this part if they are accredited and approved in accordance with § 21.4265(a) of this part.

(Authority: 38 U.S.C. 1788(b); Pub. L. 99-576)

* * *

[FR Doc. 89-19186 Filed 8-16-89; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3629-7]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final Rulemaking.

SUMMARY: On April 19, 1988 (53 FR 12896), the USEPA published a Notice of Final Rulemaking (NFR) approving Indiana's State Implementation Plan (SIP) for lead, which included the Hammond Lead Products, Incorporated (Hammond Lead), lead plant in Hammond, Indiana. USEPA's approval was based on the stipulation that Indiana and Hammond Lead further investigate fugitive emissions, and, if necessary, develop and submit to USEPA a revised control strategy for these emissions.

On March 29, 1989 (53 FR 12927), USEPA published in the Federal Register a notice proposing approval of a site-specific SIP revision to the Indiana lead plan which pertains to Hammond Lead Products, Inc.

During the public comment period, USEPA received one comment from a lead source. USEPA has reviewed the comment and determined the Hammond Lead portion of the Indiana lead plan is approvable.

EFFECTIVE DATE: This final rulemaking becomes effective on September 18, 1989.