

individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held. Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (regulatory Planning and Review).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR

730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or private sector.

List of Subjects in 30 CFR Part 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 23, 1996.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AH97

Veterans Education: Submission of School Catalogs to State Approving Agencies

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). The current regulations provide that schools must submit a catalog or bulletin to the State Approving Agency (SAA) when seeking approval for courses for training under VA-administered education programs. Public Law 102-568 removed this requirement for elementary and secondary schools. Accordingly, VA intends to amend the regulations to state that accredited schools, other than elementary and secondary schools, as part of the approval process must submit catalogs to the State agencies that approve courses for training under VA-administered education programs. The purpose of this document is to request Paperwork Reduction Act comments concerning requirements that accredited schools, other than elementary and secondary schools, submit a catalog or bulletin to SAAs.

DATES: Comments on this collection of information should be submitted must be received on or before March 10, 1997.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (O2D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AH97". All written comments will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service (225), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, 202-273-7187.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act of 1995

The Office of Management and Budget (OMB) has determined that the proposed 38 CFR 21.4253(d)(1) would constitute a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Accordingly, under section 3507(d) of the Act VA has submitted a copy of this rulemaking action to OMB for its review of the collection of information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the proposed collection of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AH97".

Title: Submission of School Catalog to State Approving Agency (SAA).

Summary of collection of information:

The provisions of the proposed 38 CFR 21.4253(d)(1) would restate a statutory requirement (under 38 U.S.C. 3675(a)) which provides that before an SAA may approve a course of an accredited educational institution (other than an elementary or secondary school) for training under VA-administered educational assistance programs (VA training), the educational institution must submit to the SAA certified copies of its catalog or bulletin containing the school's graduation requirements; institution policy and regulations containing certain information relative to standards of progress required of the student; institution policy and regulations relating to student conduct and conditions for dismissal; and any attendance standards, if enforced.

Description of need for information and proposed use of information: VA contracts with agencies of the various State governments (SAAs) to approve courses for VA training. The catalogs or bulletins referred to in this rulemaking are required by 38 U.S.C. 3675(a) to be submitted to the SAAs, not to VA. Hence, VA is not the primary user of the information, except in those rare instances where, under 38 U.S.C. 3671, VA is acting as an SAA. The SAAs use

the information contained in the catalogs to help determine whether the educational institution's courses may be approved for VA training.

Description of likely respondents: Accredited educational institutions (other than elementary and secondary schools) applying to SAAs for approval of the institutions' courses for VA training.

Estimated number of respondents: 5,990.

Estimated frequency of responses: Annually. Generally, the SAAs collect this information when an educational institution applies for approval of a new course of study. Essentially, educational institutions develop new courses of study for which they seek approval with enough frequency so that the SAAs collect each new catalog the educational institutions may issue. This generally means a collection annually or less frequently, depending on the nature of the educational institution applying for course approval.

Estimated total annual reporting and recordkeeping burden: 1,497.5 hours. VA estimates that there would be no additional recordkeeping burden imposed. Educational institutions would develop catalogs or bulletins and would develop written policies and requirements concerning the matters required to be included in the catalogs and bulletins even if the statutory requirements restated in the proposed rule did not exist.

Estimated annual burden per collection: ¼ hour.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this proposed rule between

30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

Regulatory Flexibility Act

The Secretary of Veterans Affairs certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Although it is possible that a small entity could be subject to this rulemaking, all schools prepare a catalog or bulletin that would meet the requirements of this rulemaking. Consequently, there would be no significant economic impact on small entities from this rulemaking.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the programs affected by this proposed rule are 64.117, 64.120, and 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: October 24, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21, subpart D is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION**Subpart D—Administration of Educational Assistance Programs**

1. The authority citation for part 21, subpart D continues to read as follows:

Authority: 10 U.S.C. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4253, paragraph (d)(1) is revised to read as follows:

§ 21.4253 Accredited courses.

* * * * *

(d) School qualification. * * *

(1) The institution (other than an elementary or secondary school) has submitted to the State approving agency copies of its catalog or bulletin which are certified as true and correct in content and policy by an authorized representative, and the publication shall:

(i) State with specificity the requirements of the institution with respect to graduation;

(ii) Include institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of the probationary period, if any, allowed by the institution, conditions of reenrance for those students dismissed for unsatisfactory progress, and a statement regarding progress records kept by the institution and furnished the student);

(iii) Include institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; and

(iv) Include any attendance standards of the institution if the institution has and enforces such standards.

(Authority: 38 U.S.C. 3675(a), 3676(b))

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[FR Doc. 97-355 Filed 1-7-97; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 96-65; Notice 2]

RIN 2127-AG58

Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document initiates rulemaking based upon oral presentations at the agency's public meetings and written comments received on the appropriate classification and safety regulations for golf carts and other small, light-weight vehicles that are capable of being driven on the public roads. In response to these comments, NHTSA proposes that a new

category of motor vehicle be established, called "low-speed vehicle." A low-speed vehicle (LSV) would be any motor vehicle, other than a motorcycle, whose top speed does not exceed 25 mph. Under a proposed new standard, Federal Motor Vehicle Safety Standard No. 100, LSVs would be equipped with certain basic items of motor vehicle safety equipment, such as seat belts, in lieu of complying with the Federal motor vehicle safety and bumper standards that would apply if the vehicles were categorized according to existing vehicle types. LSVs would also have a label warning against driving them at speeds that exceed 25 mph. A "golf cart", a vehicle that is used to carry golfers on golf courses and that has a top speed of 15 mph or less, would not be considered a motor vehicle, consistent with the agency's past interpretations. A "golf car", a vehicle that is used to carry golfers on golf courses and that has a top speed that exceeds 15 mph, but does not exceed 25 mph, would be a motor vehicle and required to comply with Standard No. 100. This rulemaking action is intended to supersede the agency's past interpretations excluding from regulation motor vehicles with a distinctive configuration and a top speed of not more than 20 mph, and to bring all such vehicles under the statutory requirements to notify and remedy safety related defects, and when effective, noncompliances with Standard No. 100.

DATES: Comments are due February 24, 1997.

ADDRESSES: Comments should refer to Docket No. 96-65; Notice 2, and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Z. Taylor Vinson, Office of Chief Counsel, NHTSA, Room 5219, 400 7th Street, SW, Washington, DC 20590 (telephone 202-366-5263).

SUPPLEMENTARY INFORMATION:**I. Introduction**

In order to afford the reader a full understanding of the agency's tentative decision, this notice will repeat, rather than refer the reader to, much of the discussion that appeared in Notice 1, published at 61 FR 30848 on June 18, 1996.

As discussed below in greater detail, vehicles such as golf carts have not been regulated by NHTSA because they were not considered to be manufactured for use on the public roads. Even when a vehicle is being used on the roads,

NHTSA has not regulated if it had an unusual configuration, and if it had a top speed of 20 mph or less. However, the agency has become aware that the design and use of some of these vehicles are evolving in previously unanticipated ways. Although golf carts have traditionally been limited in their operations to golf courses, some states have taken legislative actions that permit the use of golf carts on some public roads at speeds up to 25 mph. In addition, there appears to be a growing interest worldwide in small vehicles of unconventional configurations that are capable of exceeding 20 mph, and that are intended for on-road use as city or commuter cars. While some of these vehicles do not resemble very small passenger cars, neither do they resemble the traditional golf cart.

The agency decided to review its historical position in light of these changing circumstances. To aid it in its review, NHTSA established Docket No. 96-65 and held two public meetings to receive the comments of manufacturers and users of these vehicles, local elected and law enforcement officials, public interest groups, and other interested persons, on safety and regulatory issues affecting golf carts and other light-weight limited-speed vehicles. The first meeting was held in Palm Desert, California, on July 18, 1996. The second meeting took place on July 25, 1996, at NHTSA headquarters in Washington, D.C. Written comments were requested to be submitted by August 8, 1996.

II. Legal Considerations**A. Federal Law**

Title 49 U.S.C. Chapter 301 grants NHTSA regulatory authority over "motor vehicles." All "motor vehicles" are subject to the Federal motor vehicle safety standards promulgated by NHTSA pursuant to 49 U.S.C. 30111, and to the notification and remedy provisions of 49 U.S.C. 30118-30121. Those provisions must be followed in the event a motor vehicle is determined to fail to comply with a safety standard, or incorporates a safety related defect. A "motor vehicle" is defined as a vehicle "manufactured primarily for use on the public streets, roads, and highways" (Sec. 30102(a)(6)). The agency's interpretations of the definition have centered on the meaning of the word "primarily." The agency has generally interpreted "primarily" to mean that a significant portion of a vehicle's use must be on the public roads in order for the vehicle to be considered to be a motor vehicle.

NHTSA's principal interpretation of the definition of "motor vehicle" dates