

Title: Investment Advisers Act Rule 202(a)(1)-1 (Certain transactions not deemed assignments).

Citation: 17 CFR 275.202(a)(1)-1.

Authority: 15 U.S.C. 80b-3, 80b-4, 80b-6A, and 80b-11.

Title: Investment Advisers Act Rule 206(4)-4 (Financial and disciplinary information that investment advisers must disclose to clients).

Citation: 17 CFR 275.206(4)-4.

Authority: 15 U.S.C. 80b-3, 80b-4, 80b-6A, and 80b-11.

Title: Form ADV-W (Notice of withdrawal from registration as investment adviser).

Citation: 17 CFR 279.2.

Authority: 15 U.S.C. 80b-3, 80b-4, 80b-6A, and 80b-11.

The Commission invites public comment on both the list and the rules to be reviewed.

Dated: January 3, 1997.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-A145

Survivors and Dependents Education: Extension of Eligibility Period

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the educational assistance and educational benefit regulations of the Department of Veterans Affairs (VA). It restores provisions that govern the extension of the period eligible spouses and surviving spouses have to use Survivors' and Dependents' Educational Assistance (DEA). These provisions previously were removed by error. Also, this document requests Paperwork Reduction Act comments concerning the requirement that a spouse or surviving spouse must apply for the extension.

DATES: Comments must be received on or before March 10, 1997.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-A145". 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, Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: In a document published in the Federal Register on May 24, 1996 (61 FR 26107), VA published a final rule removing many regulatory provisions. As explained in that document, many of the provisions were removed because they contained "sunsetting" provisions authorized by the Vietnam Era GI Bill. No benefits can be paid under the Vietnam Era GI Bill for training that occurred after December 31, 1989.

Among those provisions that were removed was § 21.1043. This section provided that if a veteran training under the Vietnam Era GI Bill could not complete a program of education within the ten-year period due to a physical or mental disability that is not the result of willful misconduct, that period (the delimiting period) could be extended.

A similar extension is authorized by statute for eligible spouses and surviving spouses under DEA. Unfortunately, by removing § 21.1043, VA inadvertently removed the provisions that governed whether such a spouse or surviving spouse could receive an extension of the delimiting period, since § 21.3046(e) states that the provisions of § 21.1043 are to be used to determine whether the extension should be granted.

To correct this error, VA would restate the provisions of the former § 21.1043 in the appropriate places in part 21, subpart C, since that subpart governs DEA claims. The definition formerly contained in § 21.1043 would be restated in § 21.3021. The remainder of § 21.1043 would be restated in a new section, § 21.3047. References would be updated and some minor changes would be made for clarification. There would be no substantive changes.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the provisions of the proposed 38 CFR 21.3047 would include a collection of information. Accordingly, as required by the Act at section 3507(d), VA has submitted a copy of this rulemaking action to the Office of Management and Budget (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-A145".

Title: Application for an Extension of Eligibility Period under Survivors' and Dependents' Educational Assistance.

Summary of collection of information: The collection of information in the proposed § 21.3047 implements a statutory provision that requires that an individual who wishes to receive a benefit must apply for it.

Description of need for information and proposed use of information: A spouse or surviving spouse under DEA may qualify for an extension of her or his eligibility period if training during that period was medically infeasible. VA needs an application for this extension in order to learn who wants the extension. VA may need medical evidence in order to determine if training was medically infeasible and to determine the time when training became medically feasible.

Description of likely respondents: Eligible spouses and surviving spouses who would like an extension of the delimiting period under DEA.

Estimated number of respondents: 100.

Estimated frequency of responses: Once.

Estimated total annual reporting and recordkeeping burden: 100 hours of reporting burden. VA does not believe that there will be an additional recordkeeping burden.

Estimated average burden per collection: 60 minutes.

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 proposed 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 hereby certifies that this proposed rule, if promulgated, will 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. This proposed rule affects only individuals. Pursuant to 5 U.S.C. 605(b), this proposed rule, therefore, is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the program affected by this proposed rule is 64.117.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, 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: December 9, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 21 (subparts C and F) is proposed to be amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for subpart C continues to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500-3566.

2. In §21.3021, paragraph (l) is redesignated as paragraph (m); and new paragraph (l) is added, to read as follows:

§ 21.3021 Definitions.

* * * * *

(l) *Disabling effects of chronic alcoholism.* (1) The term *disabling effects of chronic alcoholism* means alcohol-induced physical or mental disorders or both, such as habitual intoxication, withdrawal, delirium, amnesia, dementia, and other like manifestations of chronic alcoholism which in the particular case:

(i) Have been medically diagnosed as manifestations of alcohol dependency or chronic alcohol abuse; and

(ii) Are determined to have prevented commencement or completion of the affected individual's chosen program of education.

(2) A diagnosis of alcoholism, chronic alcoholism, alcohol-dependency, chronic alcohol abuse, etc., in and of itself, does not satisfy the definition of this term.

(3) Injury sustained by an eligible spouse or surviving spouse as a proximate and immediate result of activity undertaken by the eligible spouse or surviving spouse while physically or mentally unqualified to do so due to alcoholic intoxication is not considered a disabling effect of chronic alcoholism.

(Authority: 38 U.S.C. 105, 3512(b))

* * * * *

§ 21.3046 [Amended]

3. In §21.3046, paragraph (e) is removed.

4. Section 21.3047 is added, to read as follows:

§ 21.3047 Extended period of eligibility due to physical or mental disability.

(a) *General.* (1) An eligible spouse or surviving spouse shall be granted an extension of the applicable period of eligibility as otherwise determined by §21.3046 provided the eligible spouse or surviving spouse:

(i) Applies for the extension within the appropriate time limit;

(ii) Was prevented from initiating or completing the chosen program of

education within the otherwise applicable period of eligibility because of a physical or mental disability that did not result from the willful misconduct of the eligible spouse or surviving spouse;

(iii) Provides VA with any requested evidence tending to show that the requirement of paragraph (a)(1)(ii) of this section has been met; and

(iv) Is otherwise eligible for payment of educational assistance for the training pursuant to 38 U.S.C. chapter 35.

(2) In determining whether the eligible spouse or surviving spouse was prevented from initiating or completing the chosen program of education because of a physical or mental disability, VA will consider the following:

(i) It must be clearly established by medical evidence that such a program of education was medically infeasible.

(ii) An eligible spouse or surviving spouse who is disabled for a period of 30 days or less will not be considered as having been prevented from initiating or completing a chosen program, unless the evidence establishes that the eligible spouse or surviving spouse was prevented from enrolling or reenrolling in the chosen program of education or was forced to discontinue attendance, because of the short disability.

(iii) VA will not consider the disabling effects of chronic alcoholism to be the result of willful misconduct and will consider those disabling effects as physical or mental disabilities.

(b) *Commencing date.* The eligible spouse or surviving spouse shall elect the commencing date of an extended period of eligibility. The date chosen—

(1) Must be on or after the original date of expiration of eligibility as determined by §21.3046(c); and

(2) Must be on or before the 90th day following the date on which the eligible spouse's or surviving spouse's application for an extension was approved by VA, if the eligible spouse or surviving spouse is training during the extended period of eligibility in a course not organized on a term, quarter, or semester basis; or

(3) Must be on or before the first ordinary term, quarter, or semester following the 90th day after the eligible spouse's or surviving spouse's application for an extension was approved by VA if the eligible spouse or surviving spouse is training during the extended period of eligibility in a course organized on a term, quarter, or semester basis.

(Authority: 38 U.S.C. 3512(b))

(c) *Length of extended periods of eligibility.* An eligible spouse's or

surviving spouse's extended period of eligibility shall be for the length of time that the individual was prevented from initiating or completing his or her chosen program of education. This shall be determined as follows:

(1) If the eligible spouse or surviving spouse is in training in a course organized on a term, quarter, or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the eligible spouse's or surviving spouse's original period of eligibility that his or her training became medically infeasible to the earliest of the following dates:

(i) The commencing date of the ordinary term, quarter, or semester following the day the eligible spouse's or surviving spouse's training became medically feasible;

(ii) The ending date of the eligible spouse's or surviving spouse's period of eligibility as determined by § 21.3046(c); or

(iii) The date the eligible spouse or surviving spouse resumed training.

(2) If the eligible spouse or surviving spouse is training in a course not organized on a term, quarter, or semester basis, his or her extended period of eligibility shall contain the same number of days from the date during the eligible spouse's or surviving spouse's original period of eligibility that his or her training became medically infeasible to the earlier of the following dates:

(i) The date the eligible spouse's or surviving spouse's training became medically feasible; or

(ii) The ending date of the eligible spouse's or surviving spouse's period of eligibility as determined by § 21.3046.

(Authority: 38 U.S.C. 3512(b))

Subpart F—Education Loans

5. The authority citation for subpart F continues to read as follows:

Authority: 38 U.S.C. 501, 3537, 3698, 3699.

§ 21.4501 [Amended]

6. In § 21.4501, paragraphs (b)(1), (b)(2)(iv), (b)(2)(v)(A), (b)(2)(v)(B), (c)(1), and (c)(3) are each amended by removing "(d)" and adding, in its place, "(d), or § 21.3047".

[FR Doc. 97-437 Filed 1-8-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50610C; FRL-5578-6]

Certain Acrylate Esters; Withdrawal of Proposed Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: EPA is withdrawing a proposed significant new use rule (SNUR) for certain acrylate substances based on receipt of new toxicity data. The data, which were generated through a voluntary industry testing program, resulted in a significant lowering of hazard concerns for acrylate substances such that EPA can no longer support a finding that activities designated by the proposed SNUR are significant new uses under section 5(a) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW., Washington, DC 20460; telephone: (202) 554-1404; TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 22, 1993 (58 FR 61649) (FRL-4186-2), EPA proposed a SNUR to be codified at 40 CFR 721.340 establishing significant new uses for certain acrylate esters. EPA is withdrawing this proposal in light of additional toxicity data received for acrylate substances

I. Rulemaking Record

The rulemaking record for the proposed rule which is being withdrawn by today's rule was designated as OPPTS-50610. That record includes information considered by the Agency in developing the proposed rule and includes the test data to which the Agency has responded with this notice of withdrawal.

II. Background

EPA is withdrawing the significant new use and recordkeeping requirements proposed for certain acrylate esters under 40 CFR part 721, subpart E. Further background information for the substances is contained in the rulemaking record referenced in Unit I of this preamble.

EPA proposed a SNUR which was to be codified at 40 CFR 721.340, establishing certain significant new uses for all acrylate substances falling within

the "acrylate category" description, based on EPA's systematic regulation of this category of chemicals. The proposed SNUR was intended to serve as a chemical category-wide substitute for the Agency's current practice of regulating individual acrylate substances one-at-a-time as those substances underwent premanufacture notice review pursuant to section 5(e) of TSCA. The proposed SNUR would have saved time and resources for both EPA and PMN submitters. The Agency believed that available data were sufficient to warrant regulation, including the promulgation of a category SNUR, based on the potential unreasonable risk of cancer from uncontrolled exposure to acrylates.

While the final rule was being developed, a voluntary testing program was being developed jointly by EPA and industry and was subsequently conducted by a group of acrylate manufacturers affected by acrylate regulation, the Specialty Acrylates Manufacturers (SAM). EPA and SAM negotiated this voluntary testing program for this category of chemicals based on SAM's commitment to conduct toxicity testing for acrylate and methacrylate substances. The purpose of the testing program was to cooperatively supply test data to address EPA's health concerns for the acrylate category. SAM conducted several short term studies on a series of acrylates and two long-term dermal bioassays on Triethylene Glycol Diacrylate (TREGDA) and Triethylene Glycol Dimethacrylate (TREGDMA). This testing was intended to correlate activity in certain short term assays with longer-term carcinogenic potential, as well as to better characterize the toxicity of the acrylate chemical category generally.

After reviewing the test data generated by the voluntary testing program, including the long term bioassays, EPA found that neither TREGDA nor TREGDMA were carcinogenic under the conditions of the studies. Based on the TREGDMA bioassay and data for other methacrylates, EPA no longer supports the carcinogenicity concern for methacrylates. However, in the case of TREGDA, the maximum tolerated dose (MTD) may not have been attained because skin irritation noted in the range finding studies was not present over the entire term of the bioassay. Therefore, because the MTD may not have been attained in the TREGDA study, and based on available data for other acrylates, EPA still has concerns that some acrylates may be carcinogenic after repeated application at higher doses.