

(ii) The submission must be received by the Secretary no later than 120 calendar days before the beginning of the State's fiscal year for the year of the determination, and must include (except as provided in § 222.161(c)(2)) final second preceding fiscal year disparity data enabling the Secretary to determine whether the standard in § 222.162 has been met. The submission is considered timely if received by the Secretary on or before the filing deadline or if it bears a U.S. Postal Service postmark dated on or before the filing deadline.

(3) An LEA in a submission must demonstrate whether the State aid program comports with section 8009.
 (4) Whenever a proceeding is initiated under this subpart, the Secretary may request from a State the data deemed necessary to make a determination. A failure on the part of a State to comply with that request within a reasonable period of time results in a summary determination by the Secretary that the State aid program of that State does not comport with the regulations in this subpart.

(5) Before making a determination under section 8009, the Secretary affords the State, and all LEAs in the State, an opportunity to present their views as follows:

(i) Upon receipt of a timely request for a predetermination hearing, the Secretary notifies all LEAs and the State of the time and place of the predetermination hearing.

(ii) Predetermination hearings are informal and any LEA and the State may participate whether or not they requested the predetermination hearing.

(iii) At the conclusion of the predetermination hearing, the Secretary holds the record open for 15 days for the submission of post-hearing comments. The Secretary may extend the period for post-hearing comments for good cause for up to an additional 15 days.

(iv) Instead of a predetermination hearing, if the party or parties requesting the predetermination hearing agree, they may present their views to the Secretary exclusively in writing. In such a case, the Secretary notifies all LEAs and the State that this alternative procedure is being followed and that they have up to 30 days from the date of the notice in which to submit their views in writing. Any LEA or the State may submit its views in writing within the specified time, regardless of whether it requested the opportunity to present its views.

* * * * *

(Approved by the Office of Management and Budget under control number 1810-0036)
 (Authority: 20 U.S.C. 7709)

22. In § 222.165, paragraphs (e), (f), and (h) are revised to read as follows:

§ 222.165 What procedures does the Secretary follow after making a determination under section 8009?

* * * * *

(e) *Proceedings.* (1) The Secretary refers the matter in controversy to an administrative law judge (ALJ) appointed under 5 U.S.C. 3105.

(2) The ALJ is bound by all applicable statutes and regulations and may neither waive them nor rule them invalid.

(f) *Filing requirements.* (1) Any written submission under this section must be filed by hand-delivery, mail, or facsimile transmission. The Secretary discourages the use of facsimile transmission for documents longer than five pages.

(2) If agreed upon by the parties, service of a document may be made upon the other party by facsimile transmission.

(3) The filing date for a written submission under this section is the date the document is—

- (i) Hand-delivered;
- (ii) Mailed; or
- (iii) Sent by facsimile transmission.

(4) A party filing by facsimile transmission is responsible for confirming that a complete and legible copy of the document was received by the Department.

(5) Any party filing a document by facsimile transmission must file a follow-up hard copy by hand-delivery or mail within a reasonable period of time.

(g) * * *

(h) *Decisions.* (1) The ALJ—

(i) Makes written findings and an initial decision based upon the hearing record; and

(ii) Forwards to the Secretary, and mails to each party, a copy of the written findings and initial decision.

(2) Appeals to the Secretary and the finality of initial decisions under section 8009 are governed by §§ 222.157(b), 222.158, and 222.159 of subpart J of this part.

(Authority: 20 U.S.C. 7709)

[FR Doc. 97-17208 Filed 6-30-97; 8:45 am]
 BILLING CODE 4000-01-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 202, 203

Copyright Rules and Regulations: Copyright, Freedom of Information Act

AGENCY: Copyright Office, Library of Congress.

ACTION: Technical amendments.

SUMMARY: The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

EFFECTIVE DATE: June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, or Patricia L. Sinn, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: The Copyright Office periodically reviews its regulations as published in the Code of Federal Regulations (CFR) to correct minor errors perceived in the published text. The Office has identified minor errors in the currently published rules. The following sections are amended to correct changed address references: §§ 201.1(a), 201.1(b), 201.1(c), 201.1(d), 201.2(b)(5), 201.5(c)(2), and 202.3(b)(2). Typographical errors are corrected in §§ 202.20(c)(2)(vii)(A)(2) and 202.20(c)(2)(vii)(D)(1). An update in citation to the copyright statute and authority for issuing regulations to implement the Freedom of Information Act is made to § 203.2(a).

List of Subjects

- 37 CFR Part 201
Copyright, General Provisions.
- 37 CFR Part 202
Copyright, Registration.
- 37 CFR Part 203
Freedom of Information Act.

Final Rule

Accordingly, 37 CFR Chapter II is corrected by making the following corrections and amendments.

PART 201—GENERAL PROVISIONS

1. The authority citation for Part 201 continues to read as follows:

Authority: 17 U.S.C. 702, 17 U.S.C. 1003.

§ 201.1 [Amended]

2. Section 201.1(a) is amended by removing "Washington, DC 20559." and adding "Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000." after "Library of Congress."

3. Section 201.1(b) is amended by removing "Copyright Office, Library of Congress, Washington, DC 20557." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

4. Section 201.1(c) is amended by removing "Copyright Office, Library of Congress, Washington, DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

5. Section 201.1(d) is amended by removing "Copyright Office, Library of Congress, Washington DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

§ 201.2 [Amended]

6. Section 201.2(b)(5) is amended by removing "the General Counsel of the Copyright Office, Department DS, Washington, DC 20540." and adding "Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024."

§ 201.5 [Amended]

7. Section 201.5(c)(2) is amended by removing "United States Copyright Office, Library of Congress, Washington, DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

8. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 202.3 [Amended]

9. Section 202.3(b)(2) is amended by removing "United States Copyright Office, Library of Congress, Washington, DC 20559." and adding in its place "Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, DC 20559-6000."

§ 202.20 [Amended]

10. Section 202.20(c)(2)(vii)(A)(2) is amended by removing "or for programs consisting of or less than 25 pages or equivalent units, source code with the trade secret portions blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the remaining portion reveals an appreciable amount of original computer code." and by adding in its place "or for programs consisting of, or less than, 50 pages or equivalent units, entire source code with the trade secret portions blocked-out, provided that the blocked-out portions are proportionately less than the material remaining, and the remaining portion reveals an appreciable amount of original computer code."

11. Section 202.20(c)(2)(vii)(D)(1) is amended by adding the word "pages" after the numeral "25".

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

12. The authority citation for part 203 continues to read as follows:

Authority: 17 U.S.C. 702; and 5 U.S.C. 552(a)(1).

§ 203.2 [Amended]

13. Section 203.2(a) is amended by removing "17 U.S.C. 101-710." and adding in its place: "17 U.S.C. 101-1101."

Dated: June 26, 1997.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 97-17238 Filed 6-30-97; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AI66

Veterans' Benefits Improvements Act of 1996

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations concerning: The clothing allowance based on certain service-connected disabilities; the dates of the Vietnam era; the payment of benefits to a surviving spouse for the month in which the veteran dies; the period for which accrued benefits are payable; and burial allowance eligibility. The intended effect of this amendment is to bring VA regulations into conformance with statutory revisions contained in the Veterans' Benefits Improvements Act of 1996.

DATES: *Effective Date:* October 9, 1996, except for amendments to §§ 3.2(f) and 3.307(a)(6), which are effective January 1, 1997.

Applicability: The amendments to 38 CFR 3.20 apply to the deaths of compensation and pension recipients that occur after December 31, 1996. The Amendment to 38 CFR 3.1000 applies to claims for accrued benefits based on deaths that occurred before October 9, 1996, and that were not finally decided before then, as well as to claims based on deaths that occurred after then.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810

Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7230.

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 1162, VA pays a clothing allowance to each veteran who, because of a service-connected disability, either wears or uses a prosthetic or orthopedic appliance which tends to wear out or tear the veteran's clothing, or uses a medication prescribed for a skin condition due to a service-connected disability and which causes irreparable damage to the veteran's outer clothing. Although 38 U.S.C. 5313 limits the amount of compensation or dependency and indemnity compensation that is payable to any person who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days for conviction of a felony, there was no such restriction on payment of the clothing allowance.

Section 502 of the Veterans' Benefits Improvements Act of 1996, Public Law 104-275, amended 38 U.S.C. Chap. 53 to reduce the amount of the clothing allowance payable under 38 U.S.C. 1162 to veterans who are incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who are furnished clothing without charge by the institution. Under this amendment, VA is required to reduce the amount of the clothing allowance by an amount equal to 1/365 of the amount of the allowance otherwise payable for each day on which the veteran was incarcerated during the 12-month period preceding the date on which payment of the clothing allowance would be due. VA is amending 38 CFR 3.810 to reflect this statutory change.

The Vietnam era was defined as the period August 5, 1964, through May 7, 1975, inclusive (See 38 CFR 3.2(f)). Section 505 of Public Law 104-275 amended 38 U.S.C. 101(29) to expand the Vietnam era to the period beginning on February 28, 1961, and ending on May 7, 1975, but only for veterans who served in the Republic of Vietnam during that period. Public Law 104-275 also amended 38 U.S.C. 1116(a) to expand the period during which veterans must have served in Vietnam to be entitled to the application of certain presumptions relating to exposure to certain herbicide agents and the service connection of associated diseases to the period beginning January 9, 1962, and ending on May 7, 1975. VA is amending 38 CFR 3.2(f) and 3.307(a)(6) to reflect these statutory changes, which are effective January 1, 1997.

Under the provisions of 38 U.S.C. 5310, a veteran's surviving spouse who