

its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### *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)).

#### *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.*).

#### *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 which 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.

#### *Unfunded Mandates*

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

#### **List of Subjects in 30 CFR Part 917**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 13, 1998.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 20**

#### **46 CFR Part 5**

[USCG-1998-3472]

RIN 2115-AF59

#### **Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Reopening of comment period on notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is reopening the period for public comment on its Notice of Proposed Rulemaking (NPRM), Rules of Practice, Procedures, and Evidence for Administrative Proceedings of the Coast Guard. Because of several requests for extension, the Coast Guard is reopening the period for 30 days.

**DATES:** Comments must reach the Coast Guard on or before June 19, 1998.

**ADDRESSES:** You may mail comments to the Docket Management Facility [USCG-1998-3472], U.S. Department of Transportation (DOT), Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also electronically access the public docket for this rulemaking on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202-366-9329; for information concerning the notice of proposed rulemaking (NPRM) provisions, contact George J. Jordan, Attorney-Advisor, Office of the Chief Administrative Law Judge, between 9:00 a.m. and 5:00 p.m., Monday through

Friday, except Federal holidays. His telephone number is 202-267-0006.

#### **SUPPLEMENTARY INFORMATION:**

#### **Request for Comments**

The Notice of Proposed Rulemaking (NPRM), published on April 6, 1998 (63 FR 16731), encouraged interested persons to participate in this rulemaking by submitting written data, views, or arguments by May 6, 1998. This request does the same, except that it asks them by June 19, 1998.

Persons submitting comments should include their names and addresses, identifying this rulemaking (USCG-1998-3472) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 1 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comment, enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing to the Docket Management Facility at the address under **ADDRESSES**. The request must identify this docket (USCG-1998-3472) and should include the reasons why a public meeting would be helpful to this rulemaking. If an opportunity for oral presentations will help the rulemaking procedures, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

#### **Background and Purpose**

The Coast Guard seeks to improve its adjudication process. This improvement would also affect certain actions involving merchant mariners. First, the proposed rule would consolidate all Coast Guard adjudicative procedures to include the following: the suspension and revocation (S&R) of merchant mariners' licenses, certificates of registry, and documents and the procedures involving class II civil penalties. Second, the proposed rule would eliminate unnecessary procedures from S&R proceedings. The Coast Guard expects the proposed rule to facilitate the efficient use of administrative resources relating to Coast Guard adjudication. It would save time, effort, and money for all parties

who are or may become involved in Coast Guard actions.

Signed: 14 May 1998.

**Robert S. Horowitz,**

*Chief Counsel (Acting).*

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## DEPARTMENT OF DEFENSE

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 21

#### RIN 2900-AI31

### Advance Payments and Lump-Sum Payments of Educational Assistance

**AGENCIES:** Defense; Coast Guard, Transportation; and Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the educational assistance regulations of the Department of Veterans Affairs (VA) dealing with the advance payment and lump-sum payment of educational assistance. VA is proposing to amend these regulations by removing provisions that no longer apply and by making other changes for the purpose of clarification. This will make these regulations easier to use.

**DATES:** Comments must be received on or before July 20, 1998.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AI31". All written comments received will be available for public inspection at the above address in the Office of Regulations Management between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, 202-273-7187.

**SUPPLEMENTARY INFORMATION:** For many decades VA by statute has permitted veterans, servicemembers, eligible persons, and reservists to receive an advance payment of educational assistance provided that they request such a payment and certain other requirements are met. These payments have covered educational assistance

scheduled to be paid to the individual during the first month or fraction of a month and the following month in a term or school year. Similarly, some individuals in some of the educational programs VA administers are able in certain circumstances to receive a lump-sum payment covering the educational assistance due for an entire term.

The regulations governing these payments have accumulated obsolete provisions over the years, and have been written in a way that is not always easy to understand. This proposed rule removes these obsolete provisions and makes other clarifying changes. Moreover, VA may make advance payments under many of the educational programs the department administers. The rules governing advance payments are the same for all of those educational programs. There appears to be no need to repeat those rules in each subpart of part 21, 38 CFR. Consequently, VA is proposing to replace the repetition of those rules with references to the complete statement of the advance payment rules that are proposed in subpart D.

Current regulations allow VA to make lump-sum payments to trainees in both the Survivors' and Dependents' Educational Assistance program (DEA) and in the Montgomery GI Bill—Active Duty (MGIB). The rules for making these payments are the same for both programs. There appears to be no need to repeat these rules in both of the affected subparts of Part 21, 38 CFR. Consequently, VA is proposing to replace the repetition of those rules with references to the complete statement of the lump-sum payment rules that are proposed in subpart D. There are no substantive changes in this proposed rule.

### Paperwork Reduction Act

The Office of Management and Budget (OMB) has determined that the proposed 38 CFR 21.4138(a) would constitute a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). Accordingly, under § 3507(d) of the Act VA has submitted a copy of this rulemaking action to OMB for its review.

*Title:* Request for an Advance Payment of Educational Assistance.

*Summary of collection of information:* The collection of information in the proposed revisions to § 21.4138(a) in this rulemaking proceeding implements a statutory provision that mandates that an individual who wishes to receive an advance payment of educational assistance must ask for it.

*Description of need for information and proposed use of information:* The information required in § 21.4138(a) is needed so that VA may make advance payments of educational assistance to those who want such payments.

*Description of likely respondents:* Veterans, reservists, and eligible persons receiving educational assistance under the programs VA administers.

*Estimated number of respondents:* 75,000 each year.

*Estimated frequency of responses:* Occasionally, when a veteran, reservist, or eligible person wants an advance payment of educational assistance at the start of an enrollment period.

*Estimated total annual reporting and recordkeeping burden:* 6,250 hours of reporting burden. VA does not believe that there will be additional recordkeeping burden.

*Estimated average burden per respondent:* 5 minutes.

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

- Evaluating whether the proposed collection(s) of information are necessary for the proposed 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;
- Minimizing the burden of the collection 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.

The Department of Defense (DOD) and VA are jointly issuing this proposed rule insofar as it relates to the Post-Vietnam Era Veterans' Educational Assistance program. This program is funded by DOD and administered by VA. DOD, the Department of Transportation (Coast Guard), and VA are jointly issuing this proposed rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by