is $344 per month for training pursued during the 1995–96 academic year,

* * * * *

(2) * * *

(i) VA shall determine the monthly rate of subsistence allowance payable to a person for a day during which he or she is pursuing a course of instruction full-time during the 1995–96 academic year by dividing $688 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day:

(ii) VA shall determine the monthly rate of subsistence allowance payable to a person for a day during which he or she is pursuing a course of instruction on other than a full-time basis during the 1995–96 academic year by dividing $344 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day;

* * * * *

[FR Doc. 96–14201 Filed 6–5–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH39

Veterans Education: Course Measurement for Graduate Courses

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule amendments to the ''Administration of educational benefits'' regulations which provide that all undergraduate courses taken by graduate students are to be measured by the graduate school (full time, half time, quarter time, etc.) or by the formula used for measuring undergraduate courses for undergraduate students, whichever results in a higher monthly rate for the veteran. Students receive benefits based on the assessment of their training time (full time, half time, quarter time, etc.). Graduate schools, often with unique programs, have the most expertise for assessing the training status for their own programs. Also, they realistically report the training status of graduate students. Even so, we do not believe that graduate students should be paid a lower monthly rate than undergraduate students for the same training. Hence, the adoption of this change streamlines the process while yielding equitable results.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration (202) 273–7187.

SUPPLEMENTARY INFORMATION: On February 12, 1996, the Department of Veterans Affairs (VA) published in the Federal Register (61 FR 5357) a proposed rule to provide a method of measuring a graduate student's enrollment when he or she enrolls in one or more graduate courses and one or more undergraduate courses. The public was given 60 days to submit comments. VA received two comments, one from an official of a large State university and one from the president of an association of officials who certify students' enrollments to VA. Both urged that the proposal be adopted.

Accordingly, based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule. This final rule also affirms the information in the proposed rule document concerning the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final 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, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 22, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21 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. ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4273, paragraph (a)(2) is amended by removing ''assessed'' and adding, in its place, ''measured''; and paragraph (c) is revised and its authority citation is added to read as follows:

§ 21.4273 Collegiate graduate.

* * * * *

(c) *Undergraduate or combination.* If a graduate student is enrolled in both graduate and undergraduate courses concurrently, or solely in undergraduate courses, VA will measure such an enrollment using the provisions of § 21.4272 or the graduate school's assessment of training time, whichever will result in a higher monthly rate for the veteran.

(Authority: 38 U.S.C. 3668(b); Pub. L. 102–568)

[FR Doc. 96–14203 Filed 6–5–96; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 15 and 32

[FRL–5513–1]

RIN 2030–AA38

Suspension, Debarment and Ineligibility for Contracts, Assistance, Loans and Benefits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule removes Part 15 (''Administration of the Clean Air Act and the Clean Water Act with Respect to Contracts, Grants, and Loans—List of Violating Facilities'') from Title 40 of the Code of Federal Regulations. This rule also amends 40 CFR Part 32, Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drugfree Workplace (Grants), by adding procedures needed to administer the ineligibility provisions of the Clean Air Act (CAA), Clean Water Act (CWA), and EO 11738.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: Robert F. Meunier, EPA Suspending and Debarring Official, (3901F), 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260–8030; or E-Mail to: meunier.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On September 11, 1995, EPA published a Notice of Proposed Rulemaking (See 60 FR 47135) proposing to eliminate regulations at 40 CFR Part 15 governing the listing, and removal from the list, of facilities rendered ineligible to participate in Federal grants, contracts and loans pursuant to Section 306 of the Clean Air

Act (CAA) and Section 508 of the Clean Water Act (CWA). The Notice proposed to simultaneously amend 40 CFR Part 32, EPA's regulations implementing the Governmentwide nonprocurement common rule for suspension and debarment, to incorporate provisions relating to facility ineligibility and reinstatement pursuant to the CAA and CWA. The Notice provided a 60 day period ending November 13, 1995, to consider public comments on the proposed rule. No comments were received.

The publication of this final rule completes EPA's administrative consolidation of its statutory ineligibility and discretionary debarment authorities within a single office, the Office of Administration and Resources Management (OARM). All EPA debarment, ineligibility and/or reinstatement actions will now be subject to consistent policy development and flexible procedures applicable to OMB's Governmentwide suspension and debarment system.

Rulemaking Analysis

B. Executive Order 12866

This rulemaking has been determined not to be significant under EO 12866. However, it has been sent to the Office of Management and Budget for review for consistency with the OMB Common Rule.

C. Regulatory Flexibility Act

The EPA certifies that this rule does not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of OMB under 44 U.S.C. 3501 et seq.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The rule imposes no enforceable duties on any of these governmental entities or the private sector. This rule does not change the current statutory and regulatory duties that arise from conditions of federal assistance which, as defined by UMRA, do not constitute a ''Federal intergovernmental mandate'' or a ''Federal private sector mandate.'' Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this final rule contains no regulatory requirements that might significantly or uniquely affect small governments. The rule eliminates the separate procedures in 40 CFR Part 15 for administering the Clean Air Act and Clean Water Act ineligibility provisions, and incorporates simplified ineligibility procedures in EPA's existing nonprocurement suspension and debarment rules (40 CFR Part 32). None of these amended procedures would impose significant or unique regulatory requirements on small governments. Therefore, the rule is not subject to section 203 of the UMRA.

List of Subjects in 40 CFR Parts 15 and 32

Environmental protection, Administrative practice and procedure, Debarment and suspension; Ineligibility.

Dated: May 23, 1996.

Alvin M. Pesachowitz,

Acting Assistant Administrator, Office of Administration and Resources Management.

For the reasons set out in the preamble, under the authority at 33 U.S.C. 1361(a), 40 CFR Chapter I is amended as follows:

1. Part 15 is removed.

2. The title of Part 32 is revised to read as follows:

PART 32—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS); CLEAN AIR ACT AND CLEAN WATER ACT INELIGIBILITY OF FACILITIES IN PERFORMANCE OF FEDERAL CONTRACTS, GRANTS AND LOANS

3. The authority citation for Part 32 is revised to read as follows:

Authority: E.O. 12549; 41 U.S.C. 701 et seq.; 7 U.S.C. 136 et seq.; 15 U.S.C. 2601 et seq.; 20 U.S.C. 4011 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 300f, 4901, 6901, 7401, 9801 et seq.; E.O. 12689; E.O. 11738; Pub. L. 103–355 § 2455.

4. Section 32.100 is amended by adding new paragraph (e) as follows:

§ 32.100 Purpose.

* * * * *

(e) Facilities ineligible to provide goods, materials, or services under Federal contracts, loans or assistance, pursuant to Section 306 of the Clean Air Act (CAA) or Section 508 of the Clean Water Act (CWA) are excluded in accordance with the terms of those statutes. Reinstatement of a CAA or CWA ineligible facility may be requested in accordance with the procedures at § 32.321.

5. Section 32.105 is amended by adding in alphabetical order the following definitions.

§ 32.105 Definitions.

* * * * *

CAA or CWA ineligibility. The status of a facility which, as provided in section 306 of the Clean Air Act (CAA) and section 508 of the Clean Water Act (CWA), is ineligible to be used in the performance of a Federal contract, subcontract, loan, assistance award or covered transaction. Such ineligibility commences upon conviction of a facility owner, lessee, or supervisor for a

violation of section 113 of the CAA or section 309(c) of the CWA, which violation occurred at the facility. The ineligibility of the facility continues until such time as the EPA Debarring Official certifies that the condition giving rise to the CAA or CWA criminal conviction has been corrected.

* * * * *

Facility. Any building, plant, installation, structure, mine, vessel, floating craft, location or site of operations at which, or from which, a Federal contract, subcontract, loan, assistance award or covered transaction is to be performed. Where a location or site of operations contains or includes more than one building, plant, installation or structure, the entire location or site shall be deemed the facility unless otherwise limited by EPA.

* * * * *

6. Section 32.110 is amended by adding a new paragraph (d) as follows:

§ 32.110 Coverage.

* * * * *

(d) Except as provided in § 32.215 of this part, Federal agencies shall not use a CAA or CWA ineligible facility in the performance of any Federal contract, subcontract, loan, assistance award or covered transaction.

7. Section 32.115 is amended by revising paragraph (d) to read as follows:

§ 32.115 Policy.

* * * * *

(d) It is EPA policy to exercise its authority to reinstate CAA or CWA ineligible facilities in a manner which is consistent with the policies in paragraphs (a) and (b) of this section.

8. Section 32.215 is revised to read as follows:

§ 32.215 Exception provision.

(a) EPA may grant an exception permitting a debarred, suspended, or voluntarily excluded person, or a person proposed for debarment under 48 CFR part 9, subpart 9.4, to participate in a particular covered transaction upon a written determination by the agency head or an authorized designee stating the reason(s) for deviating from the Presidential policy established by Executive Order 12549 and § 32.200. However, in accordance with the President's stated intention in the Executive Order, exceptions shall be granted only infrequently. Exceptions shall be reported in accordance with § 32.505(a).

(b) Any agency head, or authorized designee, may except any Federal contract, subcontract, loan, assistance award or covered transaction, individually or as a class, in whole or in part, from the prohibitions otherwise applicable by reason of a CAA or CWA ineligibility. The agency head granting the exception shall notify the EPA Debarring Official of the exception as soon, before or after granting the exception, as may be practicable. The justification for such an exception, or any renewal thereof, shall fully describe the purpose of the contract or covered transaction, and show why the paramount interest of the United States requires the exception.

(c) The EPA Debarring Official is the official authorized to grant exceptions under this section for EPA.

9. Section 32.315 is amended by adding a new paragraph (c) to read as follows:

§ 32.315 Settlement and voluntary exclusion.

* * * * *

(c) The EPA Debarring Official may consider matters regarding present responsibility, as well as any other matter regarding the conditions giving rise to alleged CAA or CWA violations in anticipation of entry of a plea, judgment or conviction. If, at any time, it is in the interest of the United States to conclude such matters pursuant to a comprehensive settlement agreement, the EPA Debarring Official may conclude the debarment and ineligibility matters as part of any such settlement, so long as he or she certifies that the condition giving rise to the CAA or CWA violation has been corrected.

10. Section 32.321 is added to Part 32 to read as follows:

§ 32.321 Reinstatement of facility eligibility.

(a) A written petition to reinstate the eligibility of a CAA or CWA ineligible facility may be submitted to the EPA Debarring Official. The petitioner bears the burden of providing sufficient information and documentation to establish, by a preponderance of the evidence, that the condition giving rise to the CAA or CWA conviction has been corrected. If the material facts set forth in the petition are disputed, and the Debarring Official denies the petition, the petitioner shall be afforded the opportunity to have additional proceedings as provided in § 32.314(b).

(b) A decision by the EPA Debarring Official denying a petition for reinstatement may be appealed under § 32.335.

§ 32.330 [Removed]

11. Section 32.330 is removed.

§ 32.425 [Removed]

12. Section 32.425 is removed.

[FR Doc. 96–14117 Filed 6–5–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 55

[FRL–5515–7]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency (''EPA'').

ACTION: Final rule-consistency update.

SUMMARY: EPA is finalizing the update of the Outer Continental Shelf (''OCS'') Air Regulations proposed in the Federal Register on January 29, 1996, September 11, 1995, and April 7, 1995. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (''COA''), as mandated by section 328(a)(1) of the Clean Air Act (''the Act''), the Clean Air Act Amendments of 1990. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (Santa Barbara County APCD), South Coast Air Quality Management District (South Coast AQMD), and Ventura County Air Pollution Control District (Ventura County APCD) are the designated COAs. The intended effect of approving the requirements contained in ''Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources'' (April, 1996), ''South Coast Air Quality Management District Requirements Applicable to OCS Sources'' (Part I and II) (April, 1996), and ''Ventura County Air Pollution Control District Requirements Applicable to OCS Sources'' (April, 1996) is to regulate emissions from OCS sources in accordance with the requirements onshore.

DATES: This action is effective July 8, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency (LE–6102), 401 ''M'' Street, SW, Room M–1500, Washington, D.C. 20460.