

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3034, 3680(d))

(b) *Lump-sum payments.* A lump-sum payment is a payment of all educational assistance due for an entire quarter, semester, or term. VA will make a lump-sum payment to:

(1) A veteran or servicemember pursuing a program of education at less than the half-time rate under 38 U.S.C. chapter 30;

(2) A servicemember pursuing a program of education at the half-time rate or greater under 38 U.S.C. chapter 30, provided that VA did not make an advance payment to the servicemember for the term for which a lump-sum payment would otherwise be due; and

(3) An eligible person pursuing a program of education at less than the half-time rate under 38 U.S.C. chapter 35.

(Authority: 38 U.S.C. 3034(c), 3680(f))

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(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900-0604)

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

3. The authority citation for part 21, subpart G continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 32, 36, unless otherwise noted.

4. Section 21.5135 is revised to read as follows:

§ 21.5135 Advance payments.

VA will apply the provisions of § 21.4138(a) in making advance payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3241, 3680)

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

5. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

6. The heading of § 21.7040 is revised to read as follows:

§ 21.7040 Categories of basic eligibility.

7. The heading of § 21.7042 and the parenthetical at the end of the section are revised to read as follows:

§ 21.7042 Basic eligibility requirements.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900-0594)

8. In § 21.7140, paragraph (b) is removed; paragraphs (c), (d), (e), (f), and (g) are redesignated as paragraphs (b), (c), (d), (e), and (f), respectively; and paragraph (a) is revised, to read as follows:

§ 21.7140 Certifications and release of payments.

(a) *Advance payments and lump-sum payments.* VA will apply the provisions of § 21.4138(a) and (b) in making advance payments and lump-sum payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3034 and 3680)

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Subpart L—Educational Assistance for Members of the Selected Reserve

9. The authority citation for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, unless otherwise noted.

10. In § 21.7640, the authority citations for paragraphs (b), (c), (e), and (f) are amended by removing “; Pub. L. 98-525”; paragraph (e) is amended by removing “paragraph (d) of this section” and adding, in its place, “§ 21.4138(a)”; and paragraph (d) is revised to read as follows:

§ 21.7640 Release of payments.

* * * * *

(d) *Advance payments.* VA will apply the provisions of § 21.4138(a) in making advance payments to reservists.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 198-0175a; FRL-6445-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Luis Obispo County Air Pollution Control District, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern the rescission of rules from the San Luis Obispo County Air

Pollution Control District (SLOAPCD) and the South Coast Air Quality Management District (SCAQMD). The intended effect of this action is to bring the SLOAPCD and the SCAQMD State Implementation Plans (SIP) up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing the approval of these revisions from the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: This rule is effective on November 29, 1999, without further notice, unless EPA receives adverse comments by November 1, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel, Chief, Rulemaking Office, Air Division at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 “M” Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 “L” Street, Sacramento, CA 95812

San Luis Obispo County Air Pollution Control District 3433 Roberto Court, San Luis Obispo, California 93401

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, California 91765-4182

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1184.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved for rescission from the California SIP include: SLOAPCD Rule 102, Compliance by Existing Installation, SLOAPCD Rule 408, Gasoline Specifications, and SCAQMD Rule 432, Gasoline Specifications. The SLOAPCD rule rescissions were submitted by the California Air Resources Board (CARB)

to EPA on August 1, 1997 and the SCAQMD rule rescission was submitted by CARB on September 29, 1998.

II. Background

The Clean Air Act of 1970 (CAA or the Act) requires the states to develop SIPs to enable local districts to attain and maintain the national ambient air quality standards. The rule rescissions listed above will not directly affect emission reductions. The requirements of the rescinded rules have been adopted by the state or incorporated into other rules at the district.

The State of California submitted these rule rescissions for incorporation into its SIP on August 1, 1997 and September 29, 1998. This document addresses EPA's direct-final action for SLOCAPCD Rule 102, Compliance by Existing Installation, SLOCAPCD Rule 408, Gasoline Specifications, and SCAQMD Rule 432, Gasoline Specifications. SLOCAPCD rescinded Rule 102 and Rule 408 on March 26, 1997 and SCAQMD rescinded Rule 432 on July 10, 1998. The rescission of SLOCAPCD Rules 102 and 408 was found to be complete on September 30, 1997 and the rescission of SCAQMD Rule 432 was found to be complete on January 26, 1999. These rule rescissions were found complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V¹ and are being finalized for approval into the SIP.

SLOCAPCD Rule 102, Compliance by Existing Installation, was created to bring existing installations into conformity with the District rules and regulations as adopted in 1976. Since that time, Rule 202, Permits, was adopted and approved and is sufficient to achieve compliance with the SLOCAPCD rules and regulations and the previous goals of Rule 102. Because Rule 102 is no longer necessary and, therefore, redundant, the rule was rescinded by the district governing board.

SLOCAPCD Rule 408, Gasoline Specifications and SCAQMD, Rule 432, Gasoline Specifications prohibit the sale or supply of gasoline with a degree of unsaturation greater than Bromine Number 30. The California Legislature adopted a bill which delegates the authority to regulate and enforce fuel specifications to the California Air Resources Board (CARB). As a result of the legislation, the requirements of SLOCAPCD Rule 408 and SCAQMD Rule 432 are no longer in effect,

therefore, these rules were repealed by their respective district governing boards.

III. EPA Evaluation and Action

EPA has evaluated all the appropriate background and submittal documentation for these rescissions. EPA has determined that the rescission of SLOCAPCD Rule 102 is approvable since the requirements for permit compliance are embodied in SLOCAPCD Rule 202.

EPA has also determined that the rescission of SLOCAPCD Rule 408 and SCAQMD Rule 432 is approvable since the CARB now regulates fuel specifications.

The rule rescissions are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the rescission of SLOCAPCD Rules 102 and 408 and SCAQMD Rule 432 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 29, 1999, without further notice unless the Agency receives adverse comments by November 1, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule is effective on November 29, 1999, and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a

regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds

¹ EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed

into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 14, 1999.

Keith Takata,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(32)(iv)(F) and (35)(xii)(G) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(32) * * *

(iv) * * *

(F) Previously approved on June 14, 1978 and now deleted without replacement Rule 432.

* * * * *

(35) * * *

(xii) * * *

(G) Previously approved on August 4, 1978 and now deleted without replacement Rules 102 and 408.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC040-2016; FRL-6448-9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GSA Central and West Heating Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving revisions to the District of Columbia State Implementation Plan (SIP). The revisions consist of portions of an