

**§ 17.632 Obligated service.**

(a) *General provision.* Except as provided in paragraph (d) of this section, each participant is obligated to provide service as a full-time clinical VA employee in the rehabilitation practice of the participant's discipline in an assignment or location determined by VA.

(b) *Beginning of service.* A participant's obligated service will begin on the date on which the participant obtains any required applicable credentials and when appointed as a full-time clinical VA employee in a position for which the degree prepared the participant. VA will appoint the participant to such position as soon as possible, but no later than 90 days after the date that the participant receives his or her degree, or the date the participant obtains any required applicable credentials, whichever is later. If a participant fails to obtain his or her degree, or fails to obtain any required applicable credentials within 180 days after receiving the degree, the participant is considered to be in breach of the acceptance agreement.

(c) *Duration of service.* The participant will agree to serve as a full-time clinical VA employee for 3 calendar years which must be completed no later than 6 years after the participant has completed the program for which the scholarship was awarded and received a degree referenced in § 17.627(a)(1).

(d) *Location and assignment of obligated service.* VA reserves the right to make final decisions on the location and assignment of the obligated service. A participant who receives a scholarship must agree as part of the participant's mobility agreement that he or she is willing to accept the location and assignment where VA assigns the obligated service. Geographic relocation may be required.

(e) *Creditability of advanced clinical training.* No period of advanced clinical training will be credited towards satisfying the period of obligated service incurred under the VIOMPSP.

(Authority: 38 U.S.C. 7504(2)(D), 7504(3))

**§ 17.633 Deferment of obligated service.**

Deferment of obligated service under the VIOMPSP is treated in the same manner as deferment of obligated service under the HPSP under § 17.608.

(Authority: 38 U.S.C. 7504(3))

**§ 17.634 Failure to comply with terms and conditions of participation.**

(a) *Participant refuses to accept payment of the VIOMPSP.* If a participant, other than one described in

paragraph (b) of this section, refuses to accept payment or instructs the school not to accept payment of the VIOMPSP scholarship provided by VA, the participant must, in addition to any obligation incurred under the agreement, pay to the United States the amount of \$1,500 in liquidated damages. Payment of this amount must be made no later than 90 days from the date that the participant fails to accept payment of the VIOMPSP or instructs the school not to accept payment.

(b) *Participant fails to complete course of study or does not obtain certification.* A participant described in paragraphs (b)(1) through (4) of this section must, instead of otherwise fulfilling the terms of his or her acceptance agreement, pay to the United States an amount equal to all VIOMPSP funds awarded under the acceptance agreement. Payment of this amount must be made no later than 1 year after the date that the participant meets any of the criteria described in paragraphs (b)(1) through (4) of this section, unless VA determines that a longer period is necessary to avoid hardship. No interest will be charged on any part of this indebtedness. A participant will pay such amount if one of the following criteria is met:

(1) The participant fails to maintain an acceptable level of academic standing;

(2) The participant is dismissed from the school for disciplinary reasons;

(3) The participant, for any reason, voluntarily terminates the course of study or program for which the scholarship was awarded including a reduction of course load from full-time to part-time before completing the course of study or program; or

(4) The participant fails to become certified in the discipline for which the degree prepared the participant, if applicable, no later than 180 days after the date such person becomes eligible to apply for certification.

(c) *Participant fails to perform all or any part of their service obligation.* (1) Participants who breach their agreements by failing to begin or complete their service obligation, for any reason, including the loss, revocation, suspension, restriction, or limitation of required certification, and other than provided for under paragraph (b) of this section, must repay the portion of all VIOMPSP funds paid to or on behalf of the participant, adjusted for the service that they provided. To calculate the unearned portion of VIOMPSP funds, subtract the number of months of obligated service rendered from the total months of obligated service owed, divide the remaining

months by the total obligated service, then multiply by the total amount of VIOMPSP funds paid to or on behalf of the participant. The following formula may be used in determining the unearned portion:

$A = P((t-s)/t)$  in which

“A” is the amount the United States is entitled to recover;

“P” is the amounts paid under the VIOMPSP, to or on behalf of the participant;

“t” is the total number of months in the participant's period of obligated service; and

“s” is the number of months of obligated service rendered.

(2) The amount that the United States is entitled to recover will be paid no later than 1 year after the date the applicant failed to begin or complete the period of obligated service, as determined by VA.

(Authority: 38 U.S.C. 7505(a), 7505(b))

**§ 17.635 Bankruptcy.**

Bankruptcy under the VIOMPSP is treated in the same manner as bankruptcy for the HPSP under § 17.611.

(Authority: 38 U.S.C. 7505(c), 7505(d))

**§ 17.636 Cancellation, waiver, or suspension of obligation.**

Cancellation, waiver, or suspension procedures under the VIOMPSP are the same as those procedures for the HPSP under § 17.612.

(Authority: 38 U.S.C. 7505(c))

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R03-OAR-2012-0369; FRL- 9764-5]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the West Virginia Portion of the Steubenville-Weirton, OH-WV Nonattainment Area for 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the 2002 base year emissions inventory portion of the West Virginia State Implementation Plan (SIP) revision submitted by the State of West Virginia through the West Virginia Department

of Environmental Protection (WVDEP) on June 24, 2009 for the Steubenville-Weirton, OH-WV nonattainment area (the Steubenville-Weirton Area) for the 1997 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS). The emissions inventory is part of a SIP revision that was submitted to meet West Virginia's nonattainment requirements related to the Steubenville-Weirton Area. EPA is proposing to approve the 2002 base year emissions inventory for the West Virginia portion of the Steubenville-Weirton Area in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before January 25, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2012-0369 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email: mastro.donna@epa.gov*.

C. *Mail: EPA-R03-OAR-2012-0369*, Donna Mastro, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R03-OAR-2012-0369. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic

comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Emlyn Vélez-Rosa, (215) 814-2038, or by email at *velez-rosa.emlyn@epa.gov*.

**SUPPLEMENTARY INFORMATION:** This supplementary information section is arranged as follows:

- I. Background
- II. Summary of SIP Revision
- III. Proposed Action
- IV. Statutory and Executive Order Reviews

## I. Background

On July 18, 1997, EPA established an annual PM<sub>2.5</sub> NAAQS at 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) (hereafter referred to as "the 1997 annual PM<sub>2.5</sub> NAAQS"), based on a 3-year average of annual mean PM<sub>2.5</sub> concentrations (62 FR 38652). At that time, EPA also established a 24-hour standard of 65 µg/m<sup>3</sup>. See 40 CFR 50.7. The 1997 annual PM<sub>2.5</sub> NAAQS were based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to particulate matter.

The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d)(1) of the CAA. On January 5, 2005, EPA published its air quality designations and classifications for the

1997 annual PM<sub>2.5</sub> NAAQS based upon air quality monitoring data for calendar years 2001–2003 (70 FR 944). These designations became effective on April 5, 2005. On April 14, 2005, EPA promulgated a supplemental rule amending the initial designations (70 FR 19844), with the same effective date (April 5, 2005) at 70 FR 944. As a result of this supplemental rule, the Steubenville-Weirton Area was designated nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS. The Steubenville-Weirton Area is comprised of Brooke County and Hancock County in West Virginia (the West Virginia portion), and Jefferson County in Ohio. See 40 CFR 81.336 (Ohio) and 40 CFR 81.349 (West Virginia).

On September 14, 2011 (76 FR 56641), EPA determined that the West Virginia portion of the Steubenville-Weirton Area had attained the 1997 annual PM<sub>2.5</sub> NAAQS. That determination was based on complete, quality-assured, quality-controlled, and certified ambient air monitoring data for the 2007–2009 period showing that the entire Steubenville-Weirton Area had monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS. EPA also evaluated preliminary quality-assured data available to date for 2010. The September 14, 2011 determination suspended the requirements for West Virginia to submit, for the West Virginia portion of the Steubenville-Weirton Area, an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIP revisions related to attainment of the standard for so long as the Steubenville-Weirton Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

Section 172(c)(3) of the CAA requires states to submit a comprehensive, accurate, and current inventory of actual emissions for each nonattainment area. EPA's requirements for an emissions inventory for the PM<sub>2.5</sub> NAAQS are set forth in 40 CFR 51.1008. This proposed rulemaking action is limited to the approval of the emissions inventory included in West Virginia's June 24, 2009 submittal for the West Virginia portion of the Steubenville-Weirton Area. A separate action will be taken on the remainder of the SIP submittal.

## II. Summary of SIP Revision

The 2002 base year emission inventory submitted by WVDEP on June 24, 2009 for the West Virginia portion of the Steubenville-Weirton Area includes emissions estimates that cover the general source categories of point sources, area sources, on-road mobile

sources, and non-road mobile sources. The pollutants that comprise the inventory are PM<sub>2.5</sub>, coarse particles (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), ammonia (NH<sub>3</sub>), and sulfur dioxide (SO<sub>2</sub>). EPA has reviewed the results, procedures and methodologies for the base year

emissions inventory submitted by WVDEP. The year 2002 was selected by WVDEP as the base year for the emissions inventory per 40 CFR 51.1008(b). A discussion of the emissions inventory development as well as the emissions inventory for the West Virginia portion of the

Steubenville-Weirton Area can be found in Appendix C of the June 24, 2009 SIP submittal. Table 1, below, provides a summary of the annual 2002 emissions of PM<sub>2.5</sub>, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, VOC, and NH<sub>3</sub> for the June 24, 2009 West Virginia submittal.

TABLE 1—2002 BASE YEAR INVENTORY FOR THE WEST VIRGINIA PORTION OF THE STEUBENVILLE-WEIRTON AREA, IN TONS PER YEAR (TPY)

Source Sector	NH <sub>3</sub>	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	VOC
Point .....	149	2,160	7,697	6,844	2,138	2,776
Area .....	822	1,721	2,497	561	718	1,941
Nonroad .....	0	1,499	71	66	76	497
Onroad .....	44	992	22	14	46	1,046
Biogenic .....	N/A	108	N/A	N/A	N/A	4,693
Total .....	1,016	6,480	10,287	7,485	2,979	10,952

The CAA section 172(c)(3) emissions inventory is developed by the incorporation of data from multiple sources. States were required to develop and submit to EPA a triennial emissions inventory according to the Consolidated Emissions Reporting Rule (CERR) for all source categories (i.e., point, area, nonroad mobile and on-road mobile). EPA's review and evaluation of the methods used for the emissions inventory submitted by West Virginia are found in the Technical Support Document dated August 12, 2010, available online at [www.regulations.gov](http://www.regulations.gov), Docket No. EPA-R03-OAR-2012-0369. EPA finds that the process used to develop this emissions inventory for the West Virginia portion of the Steubenville Weirton Area is adequate to meet the requirements of CAA section 172(c)(3), the implementing regulations, and EPA guidance for emission inventories.

### III. Proposed Action

EPA is proposing to approve the 2002 base year emissions inventory portion of the SIP revision submitted by the State of West Virginia on June 24, 2009 for the West Virginia portion of the Steubenville-Weirton Area, as it meets the requirements of section 172(c)(3) of the CAA. EPA has made the determination that this action is consistent with section 110 of the CAA. EPA is soliciting public comments on the issues discussed in this document, which will be considered before taking final action.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the

CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, pertaining to the 2002 base year emissions inventory for the West Virginia portion of the Steubenville-Weirton Area for the West Virginia SIP, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: December 14, 2012.

**W. C. Early,**

*Acting Regional Administrator, Region III.*

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