nursing home care may be granted. This amendment will further explain a benefit already available to eligible veterans.

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: James R. Kelly, Office of Geriatrics and Extended Care, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3692.

SUPPLEMENTARY INFORMATION: Four comments were received concerning the proposed regulatory amendment published on pages 22351 and 22352 in the **Federal Register** of June 11, 1987. None of the comments support the regulation.

Two commenters emphasized the need for a longer extension period in order to (1) make veteran placement more attractive to the nursing home and (2) cover some instances in which applications for public assistance are delayed longer than 45 days.

The position of the VA in regard to these comments respectively is that (1) the extension should not be used to make veteran placement attractive to a nursing home; rather, a contract per diem rate should be negotiated which adequately compensates the nursing home for care provided, and (2) the instances in which the application for public assistance are delayed longer than 45 days beyond the first 180 days of VA payment are so rare that they should not be addressed in the regulation.

The third commenter pointed out that in the Commonwealth of Puerto Rico, there are very limited public resources for the support of nursing home care and that longer extensions are necessary to cover the cost of care for veterans with low incomes. This very specific concern will not be addressed in this regulation, but will be studied by the VA and a subsequent regulation may be issued, if necessary.

The fourth commenter expressed the concern that the proposed regulation eliminates flexibility in the application of extensions, and that it will make competition to obtain nursing home beds more difficult for a growing nonservice-connected veteran population in need of such care. It is the intention of this regulation to clarify the circumstances of extension, and to reduce possibilities of inequitable application of current imprecise guidance. We believe the proposed regulation accomplishes this objective. We do not believe that the 45-day rule will reduce access of nonservice-connected veterans to community nursing homes. As noted earlier, the instances in which applications for public assistance are delayed longer than 45 days beyond the first 180 days of VA payment are very rare.

In summary, we find that no compelling reasons were presented by the commenters to warrant modification of the proposed regulations. Therefore, this regulatory amendment is made final without change. The VA appreciates the interest of the commenters.

This amendment to 38 CFR is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. It will not have annual effect on the economy of $100 million or more; result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions; have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator has certified that this amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C., 601-612. This amendment concerns the criteria by which the placement of a veteran in a public or private nursing home care facility at VA expense may be extended beyond six months. Such extensions are the exceptions, not the norm, and concern only the eligibility of individual veterans. This proposed amendment imposes no economic, regulatory, or administrative burdens on small entities. One effect of this amendment will be to expedite arrangements for alternative third-party reimbursement for continued placement, generally through Medicare or Medicaid.

Catalog of Federal Domestic Assistance Numbers: 64.009 and 64.011.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, Health care, Health facilities, Health professions, Incorporation by reference, Medical devices, Medical research, Mental health programs, Nursing homes, Veterans.

Approved: March 28, 1988.

Thomas K. Turnage,

Administrator.

PART 17—[AMENDED]

38 CFR Part 17, *Medical*, is amended by revising § 17.51a to read as follows:

§ 17.51a Extensions of community nursing home care beyond six months.

Directors of health care facilities may authorize, for any veteran whose hospitalization was not primarily for a service-connected disability, an extension of nursing care in a public or private nursing home care facility at VA expense beyond six months when the need for nursing home care continues to exist and

(a) Arrangements for payment of such care through a public assistance program (such as Medicaid) for which the veteran has applied, have been delayed due to unforeseen eligibility problems which can reasonably be expected to be resolved within the extension period, or

(b) The veteran has made specific arrangements for private payment for such care, and

(1) Such arrangements cannot be effectuated as planned because of unforseen, unavoidable difficulties, such as a temporary obstacle to liquidation of property, and

(2) Such difficulties can reasonably be expected to be resolved within the extension period; or

(c) The veteran is terminally ill and life expectancy has been medically determined to be less than six months.

(d) In no case may an extension under paragraph (a) or (b) of this section exceed 45 days.

(Authority: 38 U.S.C. 210 (c)(1); 620(a))

[FR Doc. 88-8800 Filed 4-20-88; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AMO44PA; FRL-3350-1]

Approval and Promulgation of Implementation Plans for the Commonwealth of Pennsylvania

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a request from the Commonwealth of Pennsylvania to revise the Pennsylvania State Implementation Plan (SIP) with respect to volatile organic compound (VOC) emissions offset transactions in Bucks County, PA. The revision implements two offset transactions between Paramount Packaging Corporation (Chalfont Borough, Bucks County) and National Can Corporation (Falls Township, Bucks County) and

between Fres-co Systems USA, Inc. (Telford Borough, Bucks County) and National Can Corporation. These offset transactions are being implemented through External Orders issued by the Pennsylvania Department of Environmental Resources to the National Can Corporation to maintain the offsets.

EFFECTIVE DATE: May 23, 1988.

ADDRESSES: Copies of the revision and accompanying documents are available during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Eighth Floor, Philadelphia, Pennsylvania 19107, Attn: Esther Steinberg (3AM11)

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 700 North 3rd Street, Harrisburg, Pennsylvania 17120 Attn: Gary Triplett

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donna Abrams (3AM11) at the EPA, Region III address above or call (215) 597–9134.

SUPPLEMENTARY INFORMATION: The Department of Environmental Resources (the Department) adopted Subchapter C of Chapter 127 of the Pennsylvania Air Resource Regulations in 1979 in response to requirements of the Clean Air Act. Subchapter C establishes special permit requirements for sources locating in or significantly impacting nonattainment areas. In part, Subchapter C requires new sources to obtain emission reductions (offsets) to alleviate the ambient impact of the new source. These offsets may be created internally (within the same facility as the new source) or externally (at a different facility).

National Can Corporation discontinued their coater and litho operations on December 1, 1981, leaving an emission credit of 215 tons per year (TPY) of VOC. In accordance with previously approved regulations, these emissions were applied to new source(s) application at a ratio of 1.3 to 1. Also, on September 2, 1983, National Can Corporation discontinued their end seam compound liner operations leaving an emission credit of 162 TPY of VOC. These emissions were also applied to a new source(s) application at a ratio of 1.3 to 1. Therefore, for these discontinued operations the VOC credits are:

(a) Coater and Litho— $\frac{215}{1.3}$ = 165 TPY of VOC

(b) End Seam Compound Liner—

$\frac{162}{1.3}$ = 125 TPY of VOC

The Company had a total of 290 TPY of VOC emission credit that was available to bank or sell.

On October 18, 1983, National Can Corporation submitted an application to the Department to bank the VOC emissions generated by the shutdown of their end seam compound liner operations at its Morrisville Plant (Falls Township, Bucks County). On January 25, 1984, the Department approved National Can Corporation's banking application for 125 tons VOC per year. National Can Corporation could use these emission credits themselves or sell them to someone else.

On April 13, 1984, National Can Corporation advised the Department that it sold 46 tons per year of emission credit to Paramount Packaging Corporation. On June 12, 1984, National Can Corporation notified the Department that it had transferred 85 tons per year of emission credit to Fres-co Systems USA, Inc. The total emission credit transferred by National Can Corporation was 131 tons per year. The quantity available was 125 tons per year. Therefore, the sales of emission credit were 6 tons per year greater than that available for sale. EPA has required that National Can Corporation account for the above oversale.

In a letter dated August 21, 1985, the Department has agreed to account for the 6 TPY oversale by permanently reducing National Can's banked VOC emissions, generated by the shutdown of the coater and litho operations, from 165 TPY to 159 TPY.

On September 13, 1982, National Can petitioned the Department to bank the VOC credit from the shutdown of the coater and litho operations for future use at their Lehigh Valley facility. On October 29, 1982, the Department informed National Can that the banked VOC emission credit could only be used at their Fairless Hills plant or at a location within forty (40) miles door to door of the Fairless Hills plant. Therefore, the emissions from their Fairless Hills plant could not be used to offset emissions at their Lehigh Valley facility.

Subsequently, in September 1983, National Can again petitioned the Department to approve the banking of the credit from the shutdown of the Coater and litho operations for future sale to another company in the area. According to the Pennsylvania SIP, a company has only one year from shutdown to let the Department know if they are going to use the banked emission credit for resale. Therefore, approval of the banking of this credit would deviate from the Pennsylvania regulations. The application for the banking of this credit also did not include a construction schedule for the modification of the Fairless Hills facility or the construction of a new source as required by the regulations. Despite the lack of a construction schedule, Pennsylvania approved the banking of this emission credit (162 TPY) for internal use only. EPA believes this is a minor deviation and does not consider it to be sufficient to warrant disapproval of this SIP action. As stated earlier, DER reduced this banked credit to account for the 6 TPY oversale. Again, EPA does not think this deviation is sufficient enough to warrant EPA non concurrence on this offset transaction.

The Pennsylvania Federally approved SIP requires that emissions resulting from the new source not cause or contribute to emission levels which exceed the levels allowed for that pollutant in that area. The EPA has interpreted this to require that (1) emission offsets are greater than the emissions from the new source, and (2) the emission offsets be permanent. The Department has required the offsets to be used at a ratio of 1.3 to 1 which satisfies the first requirement. The Department must also establish that the emission offsets are permanent.

The National Can Corporation generated the offset credit through the closing of the end seam compound liner operations. For the emission reduction used as offset to be permanent, National Can Corporation may not restart the source. The Department has ensured the permanence of these emission reductions by issuing External Orders that require the National Can

Corporation to maintain the shutdown status of this source. Two Orders were issued on March 1, 1985, because of the two separate transactions.

It is important to note that according to the currently approved Pennsylvania SIP, National Can Corporation may restart the source used to generate the emission credits if National Can secured emission offset credits equal to what it sold to Paramount and Fres-co. Section 127.73 of the Pennsylvania Air Resource Regulations establishes the requirements for this reactivation. In accordance with these requirements, National Can Corp. would be required to obtain offsets for its reactivated source at a ratio of 1.3 to 1. This will guarantee that the overall emission levels do not increase in the nonattainment area.

On February 13, 1985, the Commonwealth of Pennsylvania submitted the above offset transactions as a SIP revision to EPA for review and approval. The SIP revision is comprised of a narrative portion, two External Orders for each offset transaction dated March 1, 1985, and a supplemental letter submitted by the Department dated August 21, 1985, specifying that National Can's banked VOC emissions will permanently be reduced by 6 TPY to account for the oversale. In a letter dated April 9, 1986, EPA notified the Department that we would process this package, but, in the future, we would not process any offset transaction which varies from the Pennsylvania SIP approved regulations, no matter how minor the variation may be. As a result of this revision in the **Federal Register** on October 22, 1985 (51 FR 37418). No comments were received as a result of this rulemaking action.

EPA's decision to approve this revision is based on a determination that, even though this transaction varies slightly from the State offset requirements, the variation is insignificant. Therefore, the revision adequately meets the requirements of the Federally approved State regulations. The Department, under previously approved regulations that require banking at a 1.3 to 1 ratio, is able to ensure that the offsets are greater than the emissions from the new source. Additionally, EPA is approving this revision based on a determination that the revision meets the requirements of section 110(a)(2) of the Clean Air Act. Specifically, EPA is approving the following three SIP revisions submitted by the State:

(i) The Order issued March 1, 1985, requiring that the coater and litho operations remain permanently closed.

(ii) The Order issued March 1, 1985, requiring that the end seam compound liner remain permanently closed.

(iii) The letter dated August 21, 1985, from the Department, permanently reducing National Can's banked emissions by 6 TPY.

The State did not request approval of, and EPA is not approving, any use of the National Can credits, including the amount of credits available for use. Approval of such use would depend on whether the applicable EPA policies are met. For example, if an existing source seeks to use any of the credits for relaxation of emission limits, the baseline requirements and other requirements of the Emissions Trading Policy Statement, 51 FR 43814 (December 4, 1986) must be met.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit on or before June 20, 1988. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Reporting and Recording requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Pennsylvania was approved by the Director of the **Federal Register** on July 1, 1982.

Date: March 6, 1988.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations, is amended as set forth below.

PART 52—[AMENDED]

Subpart NN—Pennsylvania

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

Authority: 42 U.S.C. 7401–7462.

2. Section 52.2020 is amended by adding paragraph (c) (68) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(68) Revision to the Pennsylvania State Implementation Plan dated February 13, 1985, which implements two VOC offset transactions between Paramount Packaging Corporation and National Can Corporation and between Fres-co Systems USA, and National Can Corporation.

(i) *Incorporation by reference.* (A) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–524, signed on March 1, 1985.

(B) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–525, signed on March 1, 1985.

(C) Letter dated August 21, 1985, from the Department of Environmental Resources to the National Can Corporation.

(ii) *Additional material.* (A) Narrative submittal dated February 13, 1985, from the Department of Environmental Resources to EPA.

(B) Letter dated April 25, 1986, from the Department of Environmental Resources to EPA.

[FR Doc. 88–6189 Filed 4–20–88; 8:45 am]

BILLING CODE 6560–50–M

Proposed Rules

Federal Register
Vol. 53, No. 77
Thursday, April 21, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 300 and 531

Delegation of Authority to Agencies

AGENCY: Office of Personnel Management.

ACTION: Proposed rules.

SUMMARY: The Office of Personnel Management (OPM) proposes to remove the requirement for agencies to have delegation agreements in order to approve certain personnel actions. All agencies will now be able to approve superior qualifications appointments, waivers of time in grade requirements based on hardship or inequity, and training agreements within the limits formerly specified in delegation agreements.

DATE: Comments must be received on or before June 20, 1988.

ADDRESS: Send or deliver written comments to Curtis J. Smith Associate Director for Career Entry, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Tracy E. Spencer, (202) 632–6817.

SUPPLEMENTARY INFORMATION: In 1979, OPM used the authority granted by the Civil Service Reform Act to delegate to agencies authority to approve various personnel actions that previously had to be approved by OPM. Some of these authorities were delegated directly, but others required agencies to negotiate delegation agreements. The requirement for agreements had two main purposes. First, the agreements served as a safeguard against misuse of the authorities by setting out specific criteria for approval, by requiring annual reports, and by providing for withdrawal of delegated authority from any agency that seriously misused it. Second, the authorities covered by agreements could be tailored to each agency so an agency would not have to establish policies or evaluation procedures for authorities it did not use.

The agreements are still useful to permit selective delegation of authorities that are used by only a few agencies. However, agreements are not needed to ensure proper use of the more common authorities. Most agencies have had agreements covering those authorities for several years and have used the authorities properly. The reporting requirements contained in the agreements merely create an unnecessary paperwork burden.

Therefore, we propose to eliminate the requirement for agreements in connection with the commonly used authorities. The applicable regulations and instructions will, however, include limits on agencies' delegated authority previously contained in delegation agreements to ensure that extreme or atypical cases are reviewed and approved by OPM. Specifically, the changes proposed are as follows:

Waiver of time in grade requirements based on undue hardship or inequity (5 CFR 300.603). The proposed regulations would removed the requirement for a delegation agreement for approval of a promotion of no more than three grades and would set out the definitions of hardship or inequity to be used in making the determination. All waivers involving promotions of more than three grades would have to be approved by OPM.

Appointments above the minimum rate in grades GS–11 and above based on the appointees' superior qualifications (5 CFR 531.203(b)). The proposed regulations would remove the requirement for a delegation agreement when salaries set under the regulation do not exceed the candidates' existing pay by more than 20 percent.

Training agreements. Agencies would be delegated authority to develop and implement plans under when intensive training is to be used as a substitute for time in grade requirements, as long as the plans did not permit consecutive accelerated promotions of any trainees. Plans providing for consecutive accelerated promotions will continue to require OPM approval. Agreements approved under this delegated authority would have to be consistent with instructions set out in the FPM, with merit promotion policy, and other applicable laws and requirements.

OPM also plans to revise the FPM to delegate to agencies authority to approve training agreements under which intensive training may be substituted for normal qualifications requirements, and authority to approve payment of candidates' travel expenses for interviews when a position at grade GS–10 or above is so unique in terms of its duties, responsibilities, and/or performance requirements that a preemployment interview is necessary for a final determination of applicants' qualifications. Instructions for use of these additional delegations will be published in an appropriate FPM issuance.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations affect only the procedures used to appoint and assign certain Federal employees.

List of Subjects

5 CFR Part 300

Administrative practice and procedure, Government employees.

5 CFR Part 531

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM proposes to amend 5 CFR Parts 300 and 531 as follows:

PART 300—EMPLOYMENT (GENERAL)

1. The authority citation for Part 300 is revised as set forth below, and the authorities following individual sections and subparts are removed:

Authority: 5 U.S.C. 552, 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218. Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7151, 7154; E.O. 11478, 3 CFR 1966–1970 Comp., p. 803. Sec. 300.104 also issued under 5 U.S.C. 7701 et seq. Sec. 300.301 also issued under 5 U.S.C. 3324. Sec. 300.603 also issued under 5 U.S.C. 1104.