The Department of Veterans Affairs Nurse Pay Act liberalizes the rules for determining whether a veteran or eligible person can change a program of education. On page 29027 VA amended 38 CFR 21.4234 in order to implement this provision of law. 38 CFR 21.7614, which governs changes of program of education under the Montgomery GI Bill—Selected Reserve contains a reference to 38 CFR 21.4234 which is no longer accurate. This revision eliminates that inaccuracy.

The Department of Veterans Affairs, the Department of Defense and the Department of Transportation have determined that this amended regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs, the Secretary of Defense and the Secretary of Transportation have certified that this amended regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulation directly affects only individuals. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Department of Veterans Affairs, the Department of Defense and the Department of Transportation find that good cause exists for making the amendments to § 21.7614, like the provisions of law it implements, retroactively effective on June 1, 1991.

It is necessary to implement these provisions of law as soon as possible. These provisions are intended to achieve a benefit for the individual. The maximum benefits intended in the legislation will be achieved through prompt implementation. Hence, a delayed effective date would be contrary to statutory design, would complicate administration of these provisions of law; and might result in the denial of a benefit to someone who is entitled to it.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 13, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: August 6, 1993.

W.S. Sellman,

Director, Accession Policy, Military Manpower and Personnel Policy, U.S. Department of Defense.

Approved: August 18, 1993.

C.L. Rhinard, Jr.,

Acting Chief, Office of Readiness and Reserve.

For the reasons set out in the preamble, 38 CFR part 21, subpart L is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart L—Educational Assistance for Members of the Selected Reserve

1. The authority citation for part 21, subpart L continues to read as follows:

Authority: 10 U.S.C. Ch. 106; 38 U.S.C. 501(a).

2. Section 21.7614 is revised to read as follows.

§ 21.7614 Changes of program.

In determining whether a change of program of education may be approved for the payments of educational assistance, VA will apply § 21.4234 of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 3691; Pub. L. 98–525, Pub. L. 101–366) (June 1, 1991)

[FR Doc. 93–23722 Filed 9–28–93; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE17–1–5961; MD22–1–5962; VA27–1–5963; FRL–4702–5]

Conditional Approval of Maryland's, Virginia's and Delaware's Requests To Substitute Programs for the Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The States of Maryland and Delaware, and the Commonwealth of Virginia, have requested conditional approval of a commitment to submit a substitute program for the Clean Air Act clean fuel fleet program. Section 182(c)(4) of the Clean Air Act (CAA) provides that, in order to opt out of the fleet program, States must submit a substitute program or programs which achieve at least equal long-term emission reductions of ozone producing and toxic air emissions. By this action, EPA is only approving State Implementation Plan (SIP) revisions to preserve the opportunity of the States of Maryland and Delaware, and the Commonwealth of Virginia, to opt-out of the clean fuel fleet program. EPA is not taking action on those substitute programs, themselves.

EFFECTIVE DATE: This action will become effective on November 29, 1993 unless notice is received on or before October 29, 1993 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224; the Virginia Department of the Environment Quality, Ninth Street Office Building, Richmond, Virginia, 23219, and the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, (215) 597–0545.

SUPPLEMENTARY INFORMATION:

I. Summary and Action

Section 182(c)(4) of the Clean Air Act (CAA) allows States to "opt-out" of the clean fuel fleet program by submitting for EPA approval a State Implementation Plan (SIP) revision consisting of a program(s) resulting in as much or greater long-term emission reductions in ozone-producing and toxic air emissions as the CAA clean fuel fleet program. EPA can approve such a revision "only if it consists

exclusively of provisions other than those required under title I of the Clean Air Act for the area." Section 182(c)(4) further provides that EPA is to approve or disapprove the revision by May 15, 1993, and that EPA is to publish the revision upon receipt, with such notice being deemed to be a rulemaking notice on whether or not to approve the revision.

EPA also has determined that States intending to opt-out of the fleet program could do so by submitting by the November 15, 1992 deadline a commitment to opt-out of the fleet program. If EPA conditionally approved that commitment, then the State would be required to submit a fully adopted SIP revision fulfilling that commitment by a date certain, but no later than May 15, 1994 (the deadline for submitting a SIP revision to implement the fleet program pursuant to section 246(a) of the CAA). If the State fails to submit a SIP revision fulfilling its commitment, the conditional approval will be treated as a disapproval and the State will have an obligation to submit a fully-adopted SIP revision to implement the fleet program in accordance with section 246(a). EPA believes that this approach is consistent with the provisions of the Act and will ensure that, by May 15, 1994, the deadline for the submission of the fleet program SIP revisions, a SIP revision either implementing the fleet program or a substitute achieving equivalent air quality benefits will have been submitted to EPA.

The States of Maryland and Delaware, and the Commonwealth of Virginia have submitted SIP revisions which include a commitment to adopt a substitute program in order to opt-out of the clean fuel fleet program or to submit the clean fuel fleet program.

Maryland: In a letter dated November 15, 1992, the Governor of Maryland committed to either adopt the federal clean fuel fleet program or an alternative substitute program and submit to EPA a SIP revision by May 15, 1994. The alternative program being considered is the California Low Emissions Vehicle (LEV) program. Section 177 of the Clean Air Act allows states to adopt the California LEV program. The LEV program is a motor vehicle emissions certification program, developed by the California Air Resources Board, which requires motor vehicle manufacturers to introduce progressively cleaner vehicles into the marketplace. Under the LEV program, each vehicle manufacturer must meet an increasingly stringent sales weighted standard for each year from program adoption through model year 2003. In the event that Maryland does elect to opt-out of the federal clean fuel fleet program through the adoption of the California LEV program, Maryland will retain, as a requirement for Maryland fleets a low emission vehicle purchase requirement that is at least as stringent as the federal clean fuel fleet program.

Virginia: In a letter dated January 25, 1993, the Director of the Virginia Department of Air Pollution Control (now called the Department of Environmental Quality) committed to either adopt the federal clean fuel fleet program or an alternative substitute program and submit to EPA a SIP by May 15, 1994. The alternative substitute programs being considered are the California LEV program (see discussion above for description of the LEV program) and the Federal Energy Policy Act (EPAct) fleet program.

Delaware: In a letter dated February 26, 1993, the Secretary of the Department of Natural Resources and Environmental Control committed to either adopt the federal clean fuel fleet program or an alternative substitute program and submit to EPA a SIP by May 15, 1994. One alternative substitute program being considered is the California LEV program (see discussion above for description of the LEV program).

A copy of each state's commitments is available at the address listed in the Addresses section above.

EPA is approving these requests to reserve the opportunity to opt-out of the clean fuel fleet program as SIP revisions without prior proposal because the Agency views these as noncontroversial amendments and anticipates no adverse comments. This action will be effective November 29, 1993, unless by October 29, 1993 notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on November 29, 1993.

EPA has reviewed these requests for revision of the federally-approved State Implementation Plans for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. EPA has determined that this action conforms with those requirements and is conditionally approving these commitments under section 110(k)(4) of the CAA.

EPA will require much greater detail describing why and how the substitute program is sufficient to provide long-term reductions in ozone producing and toxic air emissions equal to or greater than those provided by the federal clean fuel fleet program in the state's submittal to meet its commitment. A failure to submit the necessary detail in the SIP submittal would result in EPA disapproval. EPA expects that the states will consider their reasonable further progress goals (as defined in section 171 of the CAA) in making their decision whether or not to opt-out of the clean fuel fleet program.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

II. Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittal under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA 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).

If the conditional approval is converted to a disapproval under section 110(k) for any State, based on that State's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, EPA's

disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 1993. 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).)

This action to approve Delaware's, Maryland's, and Virginia's requests to preserve the opportunity to opt-out of the clean fuel fleet program by committing to submit a substitute program has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Tables 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Reporting and recordkeeping requirements.

Dated: June 30, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart I—Delaware

2. Section 52.422 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 52.422 Approval status.

* * * * *

(b) Letter of February 26, 1993 from the Delaware Department of Natural Resources and Environmental Control transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

Subpart V—Maryland

3. Section 52.1073 is amended by adding paragraph (f) to read as follows:

§ 52.1073 Approval status.

* * * * *

(f) Letter of November 13, 1993 from the Maryland Department of the Environment transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

Subpart VV—Virginia

4. Section 52.2423 is amended by adding paragraph (j) to read as follows:

§ 52.2423 Approval status.

* * * * *

(j) Letter of January 25, 1993 from the Commonwealth of Virginia transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

[FR Doc. 93–23743 Filed 9–28–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[OR–4–1–5164; FRL–4694–7]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving the revisions to the State of Oregon Implementation Plans which were submitted on May 15, 1991 by the Oregon Department of Environmental Quality (DEQ). The purpose of these revisions is to bring about attainment of the National ambient air quality standards for volatile organic compound emissions in ozone nonattainment areas in a timely manner, as required by the Clean Air Act. This action to approve this plan permits EPA the authority to enforce the adopted requirements.

EFFECTIVE DATE: November 29, 1993.

ADDRESSES: Documents which are incorporated by reference are available for public inspection at: Environmental Protection Agency, Jerry Kurtzweg ANR–443, 401 M Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: Environmental Protection Agency, Jerry Kurtzweg ANR–443, 401 M Street, SW., Washington, DC 20460; Air Programs Branch, Environmental Protection Agency, Docket # OR4–1–5164, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101; Oregon Department of Environmental Quality, 811 SW., Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Michael J. Lidgard, Air and Radiation Branch, Air Program Development Section (AT–082), US Environmental Protection Agency, Region 10, Seattle, Washington 98101, (206) 553–4233.

SUPPLEMENTARY INFORMATION:

I. Background

Section 172(a)(2) and (b)(3) of the Clean Air Act, as amended in 1977 (1977 Act), required sources of volatile organic compounds (VOC) to install, at a minimum, reasonably available control technology (RACT) in order to reduce emissions of this pollutant. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Technology Guidelines (CTG) for the purpose of informing state and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the states of what EPA calls the "presumptive norm" for RACT. This general statement of agency policy is based on EPA's evaluation of the capabilities and problems associated with control technologies currently used by facilities within individual source categories. EPA has recommended that the states adopt requirements consistent with the presumptive norm level.

On March 3, 1978, the entire Portland-Vancouver Interstate Air Quality Maintenance Area was designated by the EPA as a nonattainment area for Ozone. The Portland-Vancouver Interstate Air Quality Maintenance Area contains the urbanized portions of three counties in Oregon (Clackamas, Multnomah and Washington) and one county (Clark) in the state of Washington.

The 1977 Act required states to submit plans to demonstrate how they