

(2) If an educational institution or training establishment willfully and knowingly submits a false report or certification, VA may disapprove that institution's or establishment's courses for further enrollments and may discontinue educational assistance to veterans and servicemembers already enrolled. In doing so, VA will apply §§ 21.4210 through 21.4216.

(Authority: 38 U.S.C. 3034, 3690)

Subpart L—Educational Assistance for Members of the Selected Reserve

24. 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), ch. 36, unless otherwise noted.

§ 21.7624 [Amended]

25. Section 21.7624(b) is amended by removing "21.4202(b)" and adding, in its place, "21.4210(b)".

26. Section 21.7633 is revised to read as follows:

§ 21.7633 Suspension or discontinuance of payments.

VA may suspend or discontinue payments of educational assistance. In doing so, VA will apply §§ 21.4210 through 21.4216.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3690)

§ 21.7635 [Amended]

27. In § 21.7635, the introductory text of paragraph (e) is amended by removing "§ 21.4207 of this part", and adding, in its place, "§ 21.4211 (d) and (g)"; paragraph (e)(2) is amended by removing "§ 21.4207 of this part", and adding, in its place, "§ 21.4211 (d) and (g)"; and paragraphs (e)(1), (f)(1), and (g)(1) are amended by removing "§ 21.4134 of this part" wherever it appears, and adding, in its place, "§ 21.4210".

28. In § 21.7658, paragraph (b)(1) introductory text is amended by removing "negligent" and adding, in its place, "negligent."; paragraph (b)(1)(i) is amended by removing "institution of higher learning to report," and adding, in its place, "educational institution to report" and by removing "reservist," and adding, in its place, "reservist."; paragraph (b)(1)(ii) is amended by removing "§ 21.7644(b) of this part" and adding, in its place, "§ 21.7644(c)"; and the section heading, the heading of paragraph (b), and paragraph (b)(2) are revised to read as follows:

§ 21.7658 False, late, or missing reports.

* * * * *

(b) *Educational institution or training establishment.* * * *

(2) If an educational institution or training establishment willfully and knowingly submits a false report or certification, VA may disapprove that institution's or establishment's courses for further enrollments and may discontinue educational assistance to reservists already enrolled. In doing so, VA will apply §§ 21.4210 through 21.4216.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3690)

[FR Doc. 97-22876 Filed 8-27-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5883-9]

40 CFR Part 55

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule—consistency update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. 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, as amended in 1990 ("the Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Ventura County Air Pollution Control District (Ventura County APCD) is the designated COA. The intended effect of approving the OCS requirements for the above District, contained in the Technical Support Document, is to regulate emissions from OCS sources in accordance with the requirements onshore. The change to the existing requirements discussed below are proposed to be incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS regulations.

DATES: Comments on the proposed update must be received on or before September 29, 1997.

ADDRESSES: Comments must be mailed (in duplicate if possible) to: EPA Air Docket (Air-4), Attn: Docket No. A-93-16 Section XV, Environmental Protection Agency, Air Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

Docket: Supporting information used in developing the rules and copies of the document EPA is proposing to incorporate by reference are contained in Docket No. A-93-16 Section XV. This docket is available for public inspection and copying Monday-Friday during regular business hours at the following locations:

EPA Air Docket (Air-4), Attn: Docket No. A-93-16 Section XV, Environmental Protection Agency, Air Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

EPA Air Docket (LE-131), Attn: Air Docket No. A-93-16 Section XV, Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460.

A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1197.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1992, EPA promulgated 40 CFR part 55,¹ which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to section 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under section 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This proposed action is being taken in response to the submittal of rules by a local air pollution control agency.

¹ The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

Public comments received in writing within 30 days of publication of this document will be considered by EPA before publishing a final rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) or certain requirements of the Act.

Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

EPA Evaluation and Proposed Action

In updating 40 CFR part 55, EPA reviewed the rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS, and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12 (e). In addition, EPA has excluded administrative or procedural rules,² and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

A. After review of the following rule revisions submitted by Ventura County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make them applicable to OCS sources for which Ventura County APCD is designated as the COA:

Rule 42 Permit Fees (Adopted 4/15/97)

² Each COA delegated the authority to implement and enforce part 55, will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14 (c)(4).

Rule 74.20 Adhesives and Sealants
(Adopted 1/14/97)

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

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.

As was stated in the final regulation, the OCS rule does not apply to any small entities, and the structure of the rule averts direct impacts and mitigates indirect impacts on small entities. This consistency update merely incorporates onshore requirements into the OCS rule to maintain consistency with onshore regulations as required by section 328 of the Act and does not alter the structure of the rule.

The EPA certifies that this proposed action will not have a significant impact on a substantial number of small entities.

C. 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 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 proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either States, local, or tribal OCS 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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 55

Environmental Protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 19, 1997.

Felicia Marcus,

Regional Administrator.

Title 40 of the Code of Federal Regulations, part 55, is proposed to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. § 7401 *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is proposed to be amended by revising paragraph (e)(3)(ii)(H) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of states seaward boundaries, by state.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources.*

* * * * *

3. Appendix A to CFR Part 55 is proposed to be amended by revising paragraph (b)(8) under the heading "California" to read as follows:

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

California

* * * * *

(b) * * *

* * * * *

(8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources:*

Rule 2 Definitions (Adopted 4/9/96)

Rule 5 Effective Date (Adopted 5/23/72)

- Rule 6 Severability (Adopted 11/21/78)
 Rule 7 Zone Boundaries (Adopted 6/14/77)
 Rule 10 Permits Required (Adopted 6/13/95)
 Rule 11 Definition for Regulation II (Adopted 6/13/95)
 Rule 12 Application for Permits (Adopted 6/13/95)
 Rule 13 Action on Applications for an Authority to Construct (Adopted 6/13/95)
 Rule 14 Action on Applications for a Permit to Operate (Adopted 6/13/95)
 Rule 15.1 Sampling and Testing Facilities (Adopted 10/12/93)
 Rule 16 BACT Certification (Adopted 6/13/95)
 Rule 19 Posting of Permits (Adopted 5/23/72)
 Rule 20 Transfer of Permit (Adopted 5/23/72)
 Rule 23 Exemptions from Permits (Adopted 7/9/96)
 Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Adopted 9/15/92)
 Rule 26 New Source Review (Adopted 10/22/91)
 Rule 26.1 New Source Review—Definitions (Adopted 10/22/91)
 Rule 26.2 New Source Review—Requirements (Adopted 10/22/91)
 Rule 26.3 New Source Review—Exemptions (Adopted 10/22/91)
 Rule 26.6 New Source Review—Calculations (Adopted 10/22/91)
 Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91)
 Rule 26.10 New Source Review—PSD (Adopted 10/22/91)
 Rule 28 Revocation of Permits (Adopted 7/18/72)
 Rule 29 Conditions on Permits (Adopted 10/22/91)
 Rule 30 Permit Renewal (Adopted 5/30/89)
 Rule 32 Breakdown Conditions: Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79)
 Rule 33 Part 70 Permits—General (Adopted 10/12/93)
 Rule 33.1 Part 70 Permits—Definitions (Adopted 10/12/93)
 Rule 33.2 Part 70 Permits—Application Contents (Adopted 10/12/93)
 Rule 33.3 Part 70 Permits—Permit Content (Adopted 10/12/93)
 Rule 33.4 Part 70 Permits—Operational Flexibility (Adopted 10/12/93)
 Rule 33.5 Part 70 Permits—Timeframes for Applications, Review and Issuance (Adopted 10/12/93)
 Rule 33.6 Part 70 Permits—Permit Term and Permit Reissuance (Adopted 10/12/93)
 Rule 33.7 Part 70 Permits—Notification (Adopted 10/12/93)
 Rule 33.8 Part 70 Permits—Reopening of Permits (Adopted 10/12/93)
 Rule 33.9 Part 70 Permits—Compliance Provisions (Adopted 10/12/93)
 Rule 33.10 Part 70 Permits—General Part 70 Permits (Adopted 10/12/93)
 Rule 34 Acid Deposition Control (Adopted 3/14/95)
 Rule 35 Elective Emission Limits (Adopted 11/12/96)
 Appendix II—B Best Available Control Technology (BACT) Tables (Adopted 12/86)
 Rule 42 Permit Fees (Adopted 4/15/97)
 Rule 44 Exemption Evaluation Fee (Adopted 9/10/96)
 Rule 45 Plan Fees (Adopted 6/19/90)
 Rule 45.2 Asbestos Removal Fees (Adopted 8/4/92)
 Rule 50 Opacity (Adopted 2/20/79)
 Rule 52 Particulate Matter—Concentration (Adopted 5/23/72)
 Rule 53 Particulate Matter—Process Weight (Adopted 7/18/72)
 Rule 54 Sulfur Compounds (Adopted 6/14/94)
 Rule 56 Open Fires (Adopted 3/29/94)
 Rule 57 Combustion Contaminants—Specific (Adopted 6/14/77)
 Rule 60 New Non-Mobile Equipment—Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter (Adopted 7/8/72)
 Rule 62.7 Asbestos—Demolition and Renovation (Adopted 6/16/92)
 Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)
 Rule 64 Sulfur Content of Fuels (Adopted 6/14/94)
 Rule 67 Vacuum Producing Devices (Adopted 7/5/83)
 Rule 68 Carbon Monoxide (Adopted 6/14/77)
 Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 12/13/94)
 Rule 71.1 Crude Oil Production and Separation (Adopted 6/16/92)
 Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)
 Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92)
 Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/8/93)
 Rule 71.5 Glycol Dehydrators (Adopted 12/13/94)
 Rule 72 New Source Performance Standards (NSPS) (Adopted 9/10/96)
 Rule 74 Specific Source Standards (Adopted 7/6/76)
 Rule 74.1 Abrasive Blasting (Adopted 11/12/91)
 Rule 74.2 Architectural Coatings (Adopted 8/11/92)
 Rule 74.6 Surface Cleaning and Degreasing (Adopted 7/9/96)
 Rule 74.6.1 Cold Cleaning Operations (Adopted 7/9/96)
 Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 7/9/96)
 Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 1/10/89)
 Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)
 Rule 74.9 Stationary Internal Combustion Engines (Adopted 12/21/93)
 Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)
 Rule 74.11 Natural Gas-Fired Residential Water Heaters—Control of NO_x (Adopted 4/9/85)
 Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 9/10/96)
 Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 11/8/94)
 Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1–5MM BTUs) (Adopted 6/13/95)
 Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)
 Rule 74.20 Adhesives and Sealants (Adopted 1/14/97)
 Rule 74.23 Stationary Gas Turbines (Adopted 3/14/95)
 Rule 74.24 Marine Coating Operations (Adopted 9/10/96)
 Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94)
 Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94)
 Rule 74.28 Asphalt Roofing Operations (Adopted 5/10/94)
 Rule 74.30 Wood Products Coatings (Adopted 9/10/96)
 Rule 75 Circumvention (Adopted 11/27/78)
 Appendix IV—A Soap Bubble Tests (Adopted 12/86)
 Rule 100 Analytical Methods (Adopted 7/18/72)
 Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)
 Rule 102 Source Tests (Adopted 11/21/78)
 Rule 103 Stack Monitoring (Adopted 6/4/91)
 Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)
 Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)
 Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)
 Rule 158 Source Abatement Plans (Adopted 9/17/91)
 Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)
 Rule 220 General Conformity (Adopted 5/9/95)
 * * * * *

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DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

RIN 1090–AA63

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rule.

SUMMARY: The Department of the Interior's Office of Hearings and Appeals is proposing to amend its rules to provide that, except as otherwise provided by law or other regulation, a decision will be stayed, if it is appealed, until there is a dispositive decision on the appeal.