

Board, as approved by the Secretary or his designee. Computation of the amounts due shall be made by the appropriate disbursing activity. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. Earnings received from civilian employment, self employment or any income protection plan for such employment during any period for which active duty pay and allowances are payable will be deducted from the settlement. To the extent authorized by law and regulation, amounts found due may be reduced by the amount of any existing indebtedness to the Government arising from military service.

(2) Prior to or at the time of payment, the person or persons to whom payments are to be made shall be advised by the disbursing activity of the nature and amount of the various benefits represented by the total settlement and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(d) *Report of settlement.* In every case where payment is made, the amount of such payment and the names of the payee or payees shall be reported to the Executive Director.

#### **§ 723.11 Miscellaneous provisions.**

(a) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, counsel, witnesses, or by any other person in the applicant's behalf, will be paid by the Government.

(b) *Indexing of decisions.* (1) Documents sent to each applicant and counsel in accordance with § 723.3(e)(5) and § 723.8(a)(4), together with the record of the votes of Board members and all other statements of findings, conclusions and recommendations made on final determination of an application by the Board or the Secretary will be indexed and promptly made available for public inspection and copying at the Armed Forces Discharge Review/Correction Boards Reading Room located on the Concourse of the Pentagon Building in Room 2E123, Washington, DC.

(2) All documents made available for public inspection and copying shall be indexed in a usable and concise form so as to enable the public to identify those cases similar in issue together with the circumstances under and/or reasons for which the Board and/or Secretary have granted or denied relief. The index shall be published quarterly and shall be

available for public inspection and distribution by sale at the Reading Room located on the Concourse of the Pentagon Building in Room 2E123, Washington, DC. Inquiries concerning the index or the Reading Room may be addressed to the Chief, Micromation Branch/Armed Forces Discharge Review/Correction Boards Reading Room, Crystal Mall 4, 1941 Jefferson Davis Highway, Arlington, Virginia 22202.

(3) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Deletions of other information which is privileged or classified may be made only if a written statement of the basis for such deletion is made available for public inspection.

Dated: January 30, 1997.

D.E. Koenig, Jr.,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 97-4390 Filed 2-21-97; 8:45 am]

BILLING CODE 3810-FF-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[OH49-1-6072; FRL-5649-6]

### **Approval and Promulgation of Implementation Plans; Ohio Stage II Vapor Recovery Program**

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

**ACTION:** Final rule; Technical amendment.

**SUMMARY:** On October 20, 1994, the EPA published a direct final rule partially approving and partially disapproving the Ohio Stage II gasoline vapor recovery program. Subsequent to that publication, EPA approved additional sections of the Ohio Administrative Code (OAC) concerning control of volatile organic compounds, including Stage II test methods and a schedule for implementation. This second action inadvertently omitted mention of the OAC rules incorporated by reference in the codification of the October 20, 1994 document. This inadvertent omission of the incorporation by reference of the Stage II gasoline vapor recovery material was unintentional and is being corrected in this document.

**EFFECTIVE DATE:** February 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Air Programs Branch, Regulation Development Section (AR-18J), United States Environmental Protection, Region 5, Chicago, Illinois 60604, (312) 886-6084.

#### **Background**

On June 13, 1996, the Ohio EPA notified the EPA that a correction was needed to the Code of Federal Regulations (CFR) regarding the codification of the Stage II gasoline vapor recovery program. The State noted that a portion of the Federal approval of the Stage II gasoline vapor recovery rules, published in the Federal Register on October 20, 1994 (59 FR 52911), was missing from the CFR. On October 20, 1994, a direct final rule was published (59 FR 52915) which partially approved the Stage II gasoline vapor recovery program for selected areas in the State of Ohio. The direct final rule incorporated by reference Ohio Administrative Code (OAC) rules 3745-21-09(DDD) (1)-(4). This reference was inadvertently omitted from the subsequent publication of a direct final rule in the Federal Register on March 23, 1995 (60 FR 15235). This direct final rule approved OAC Chapter 3745-21, regarding volatile organic compound emissions, and included revisions to 40 CFR 52.1870(c)(104). The EPA action published on March 23, 1995 (60 FR 15240), inadvertently omitted the incorporation by reference of the previous partial approval of State rules requiring Stage II gasoline vapor recovery controls, codified at OAC rules 3745-21-09(DDD) (1)-(4), from its revisions to 40 CFR 52.1870(c)(104).

#### **Action**

OAC rules 3745-21-09(DDD)(1)-(4) are hereby incorporated by reference into 40 CFR as § 52.1870(c)(104)(i)(C). This action is prompted by a request from the State of Ohio to correct the CFR to include the reference of this codification.

#### **Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by

Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 52

Environmental protection, air pollution control, Incorporation by reference, ozone, Volatile organic compounds.

Dated: October 11, 1996.

David A. Ullrich,

*Acting Regional Administrator.*

Title 40 of the Code of Federal Regulations, chapter I, part 52, subpart KK, is amended as follows:

#### **PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1870 is amended by adding paragraph (c)(104)(i)(C) to read as follows:

#### **§ 52.1870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(104) \* \* \*

(i) \* \* \*

(C) Ohio Administrative Code rules 3745–21–09(DDD)(1)–(4), effective date March 31, 1993.

[FR Doc. 97–4422 Filed 2–21–97; 8:45 am]

BILLING CODE 6560–50–P

#### **40 CFR Part 52**

[CA–13–0027a; FRL 5688–2]

#### **Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Yolo-Solano 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 rules from the South Coast Air Quality Management District (SCAQMD) and Yolo-Solano Air Quality Management District (YSAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from wastewater separators and pharmaceutical manufacturing operations. Thus, EPA is finalizing the approval of these revisions into 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 action is effective on April 25, 1997 unless adverse or critical comments are received by March 26, 1997. If the effective date is delayed, a timely notice will be published in the Federal Register.

**ADDRESSES:** 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 Section [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 92123–1095.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

Yolo-Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Section [Air-4], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

#### **SUPPLEMENTARY INFORMATION:**

##### **Applicability**

The rules being approved into the California SIP include: South Coast Air Quality Management District (SCAQMD) Rule 464, Wastewater Separators, and Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.35, Pharmaceutical Manufacturing Operations. These rules were submitted by the California Air Resources Board to EPA on May 13, 1991 and November 30, 1994, respectively.

##### **Background**

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Yolo-Solano County Area and the Los-Angeles-South Coast Air Basin (LA Basin). 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Yolo-Solano County Area is classified as serious; the portion of Solano County in the Sacramento Metropolitan Area is classified as

<sup>1</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).