

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Adviser, Education Service, Veterans Benefits Administration (202) 273-7187.

SUPPLEMENTARY INFORMATION: The provisions of 38 U.S.C. 3680(g) allow VA to require eligible veterans and eligible persons to certify their continued pursuit of a program of education before they may receive their monthly payment of educational assistance.

VA requires such certification by regulation for individuals receiving educational assistance under the Montgomery GI Bill—Active Duty (MGIB) (38 CFR 21.7154). Further, VA regulations provide for reduction of educational benefits where a veteran or servicemember withdraws from part of a course (38 CFR 21.7135(f)). By statute, any adjustment of benefits made on the basis of certification is effective as of the date of the occurrence (38 U.S.C. 5113(b)).

Previously, 38 CFR 21.7135(f)(1) provided that the effective date for reduction of a veteran's or servicemember's educational assistance was the earlier of the end of the month or the end of the term in which the withdrawal from part of a course occurred. The regulations are now revised to reflect the statutory requirement that the date of change is the effective date.

Nonsubstantive changes also are made for the purpose of clarity.

Substantive changes made by this final rule merely reflect statutory requirements. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Secretary of Veterans Affairs hereby certifies that this final rule 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 and does not directly affect small entities. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs,

Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 22, 1999.

Togo D. West, Jr.,
Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 21, subpart K is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

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

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In § 21.7135, paragraph (f)(1) introductory text and the authority citations for paragraphs (f)(2) and (f)(3) are revised to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(f) * * *

(1) If the reduction in the rate of training occurs other than on the first date of the term, VA will reduce the veteran's or servicemember's educational assistance effective the date on which the withdrawal occurs when either:

* * * * *

(2) * * *

(Authority: 38 U.S.C. 3680(a))

(3) * * *

(Authority: 38 U.S.C. 3034, 3680(a), 5113(b))

* * * * *

[FR Doc. 99-18379 Filed 7-16-99; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA52-1-7422a; FRL-6378-3]

Approval and Promulgation of Air Quality State Implementation Plans; Louisiana; Approval of Clean Fuel Fleet Substitution Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action on approving Louisiana's State

Implementation Plan (SIP) revision because it adequately demonstrates that the Louisiana Clean Fuel Fleet (CFF) substitute program achieves equivalent or better long term reductions in emissions of ozone producing and toxic air pollutants than the Federal CFF program. A detailed rationale for the approval is set forth in the accompanying Technical Support Document.

DATES: This rule is effective on September 17, 1999 without further notice, unless we receive adverse comment by August 18, 1999. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of the documents about this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least two working days in advance before the visiting day.

Environmental Protection Agency, Region 6, Air Planning Section, (6PD-L), Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana, 70810.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7354 or via e-mail at scoggins.paul@epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region 6 address.

SUPPLEMENTARY INFORMATION: This supplemental information section is organized as follows:

What action is EPA taking?
What is the background?
What did the State submit?
What is the process for EPA approval of this action?

What Action is EPA Taking?

After review of the SIP revision request, we find the Louisiana's substitution plan for the Federal CFF program requirements to be approvable because the revision adequately demonstrated Volatile Organic Compounds (VOC) emission reductions that are sufficient to meet or exceed the

emission reductions of the Federal CFF program.

The information submitted by Louisiana demonstrated that the substitution of the State's Clean Fuel Fleet program with above Reasonable Available Control Technology (RACT) VOC emission reductions achieved from tank fitting controls pursuant to Louisiana Administrative Code (LAC) 33:III.2103 will not result in new National Ambient Air Quality Standards (NAAQS) violations, nor increase the frequency or severity of existing NAAQS violations, nor delay attainment and maintenance of the NAAQS in the Baton Rouge Ozone nonattainment area.

We believe the SIP revision submitted by Louisiana meets the requirements of a substitute program that achieves equivalent long term emission reductions of ozone precursors in the Baton Rouge ozone nonattainment area. The State surveyed nine storage tanks in Baton Rouge area which show, over a ten year period equivalent to the Federal CFF program, an estimated total VOC emission reduction of 2,010 tons. The emission reductions over the ten year period from the Federal CFF program were estimated to be 1,264 tons.

What is the Background?

On November 15, 1990, Congress enacted amendments to the 1997 Clean Air Act; Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. Part C of Title II was added to the Act to establish two programs: a clean-fuel vehicle pilot program in the State of California (the California Pilot Test Program) and the Federal CFF program in certain ozone and carbon monoxide nonattainment areas. The CFF program is required by section 182(c)(4), 42 U.S.C., section 7511a(c)(4) and the underlying requirements are in sections 246 of the Act, 42 U.S.C., section 7586.

On November 10, 1994, the Louisiana Department of Environmental Quality submitted a SIP revision to the EPA, Region 6, which contained provisions for a state CFF program. The SIP submittal was in response to publication of the EPA's final CFF program rule (58 FR 11888, March 1, 1993) which established the 40 CFR part 88, subpart C regulations required by the Act. The Louisiana CFF program SIP revision was reviewed and subsequently approved by EPA on October 23, 1995 (60 FR 54305). State regulations governing the CFF program are codified in LAC 33:III.1951-1973. The Louisiana CFF program would have required covered vehicle fleet owners in the Baton Rouge ozone nonattainment area to purchase specified percentages of clean fuel vehicles beginning in September, 1998.

Section 182(c)(4) of the Act, 42 U.S.C. 7511a, allows States to opt-out of the Federal CFF program by submitting, for EPA approval, a SIP revision consisting of a substitute program resulting in as much or greater long term emissions reductions in ozone producing and toxic air emissions as the Federal CFF program. We may approve such a revision "only if it consists exclusively of provisions other than those required under this Act for the area."

After a thorough evaluation of their CFF program's costs and marginal benefits, the State of Louisiana elected to opt-out of the CFF program requirements.

What did the State Submit?

Louisiana submitted a SIP revision, on April 1, 1999, that substitutes the long term emissions reductions resulting from a CFF program for the Baton Rouge nonattainment area. The revision was adopted after reasonable public notice and public hearing as required by sections 110(a)(2) and 110(l) of the Act and 40 CFR 51.102(f). The submission was reviewed and determined to be administratively complete on April 6, 1999. The submittal was then reviewed for approvability by EPA Region 6 and EPA headquarters.

The State of Louisiana is substituting emission reductions achieved from LAC 33:III.2103 which impose controls beyond the Act requirements (i.e., RACT) for storage tanks in the Baton Rouge nonattainment area. The VOC storage tank rule LAC 33:III.2103 goes beyond Act requirements by requiring guide pole and stilling well controls on external floating roof tanks. The resultant long term emission reductions were greater than the Louisiana CFF program emission reductions in the ozone nonattainment area.

The SIP submittal contains: (1) Letter dated March 21, 1999, from Governor Mike Foster replacing the CFF program submitted on November 10, 1994, and subsequently approved by EPA on October 23, 1995; (2) plan revision dated March 22, 1999, and received at EPA on April 1, 1999; (3) documentation of the public notice dated December 21, 1998, and a transcript of the public hearing dated January 25, 1999; and (4) supplemental information dated January 22, 1999.

The areas affected by this substitute program include the parishes of Ascension, Iberville, East Baton Rouge, Livingston, and West Baton Rouge. These five parishes comprise the Baton Rouge ozone nonattainment area.

A more detailed discussion of the Louisiana CFF substitute program

elements and control strategy can be found in the Technical Support Document available from the U.S. EPA Region 6 office.

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.

What is the Process for EPA Approval of this Action?

We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the action if adverse comments are received.

This rule will be effective on September 17, 1999 without further notice unless we receive adverse comment by August 18, 1999. If EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not initiate a second comment period on this action. Any parties interested in commenting must do so at this time.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to

issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local, or tribal governments. The rule does not impose any enforceable rules on any of these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that EPA determines is: (1) "economically significant," as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the order has the potential to influence the regulation.

This final rule is not subject to E.O. 13045 because it approves a state program.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O.

13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 60 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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 annual 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.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule can not take effect until 60 days after it is published in the **Federal Register**. This action is not a "major" rule as defined by 5 U.S.C. 804(2). This rule will be effective September 17, 1999.

H. Petitions for Judicial Review

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 by September 17, 1999. Filing a petition for reconsideration with 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen oxides, Ozone, Implementation plans, Reporting and recordkeeping requirements.

Dated: July 7, 1999.

Jerry Clifford,

Acting Regional Administrator, Region 6.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 *et seq.*

Subpart T—Louisiana

2. In § 52.970(e) the second table is amended by revising the title to the table to read "EPA approved Louisiana nonregulatory provisions and quasi-regulatory measures", revising the first column title "Control measures" to read "Name of SIP provision", revising the

last column title "Comments" to read "Explanation" and adding a new entry to the end of the table to read as follows:

§ 52.970 Identification of plan.

* * * * *

(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

* * * * *

EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date/ effective date	EPA approval date	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Clean Fuel Fleet Program Substitution.	Baton Rouge, LA	03/21/99	7/19/99 64 FR 38580.	Substituted above RACT VOC emission reductions from storage tank rule LAC 33:III.2103

[FR Doc. 99-18037 Filed 7-16-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-207-1-9924a; TN-214-1-9925a; FRL-6379-4]

Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee SIP Regarding National Emission Standards for Hazardous Air Pollutants and Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to Rule 1200-3-2-.01 and Rule 1200-3-9-.01 of the Tennessee State Implementation Plan (SIP) that were submitted to EPA by the Tennessee Department of Air Pollution Control (TDAPC), on June 16, 1998 and February 11, 1999. Rule 1200-3-2-.01 is revised to include a definition for hazardous air pollutants (NESHAPs). Rule 1200-3-9-.01 is revised to incorporate by reference the definition for volatile organic compounds (VOCs) contained in 40 CFR part 51, subpart F. **DATES:** This direct final rule is effective September 17, 1999 without further notice, unless EPA receives adverse comment by August 18, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform

the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Allison Humphris at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Allison Humphris, 404/562-9030.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531. 615/532-0554.

FOR FURTHER INFORMATION CONTACT: Allison Humphris at 404/562-9030.

SUPPLEMENTARY INFORMATION:

I. Background

The EPA is approving revisions to Rules 1200-3-2-.01 and 1200-3-9-.01 of the Tennessee SIP. Rule 1200-3-2-.01 is amended to include a subparagraph establishing a definition for NESHAPs. Rule 1200-3-9-.01 is revised to incorporate by reference an updated definition for VOCs contained in 40 CFR part 51, subpart F.

II. Analysis of State's Submittal

Rule 1200-3-2-.01 is being amended to include the following definition for NESHAPs: "standards for the emissions of hazardous air pollutants promulgated by the Administrator of the Environmental Protection Agency and published in the **Federal Register**." The purpose for this addition is to ensure that the Tennessee SIP includes an accurate description of these emission standards, which are applied to new major sources and modifications through implementation of the construction permitting programs that were approved into the SIP via Rule 1200-3-2.

The definition for VOCs in Rule 1200-3-9-.01 is revised to be consistent with the definition for this term that was approved by EPA on October 8, 1996 (61 FR 52848). The revision adds HFC 43-10mee and HCFC 225ca and cb to the list of compounds excluded from the definition of VOCs on the basis that these compounds have negligible contribution to tropospheric ozone formation. The definition is revised for use in preparing SIPs to attain the National Ambient Air Quality Standard (NAAQS) for ozone under Title I of the Clean Air Act.

III. Final Action

EPA is approving the aforementioned changes to the SIP because they are consistent with Clean Air Act and EPA requirements.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register**