

21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### **Incorporation by Reference**

(g) The actions shall be done in accordance with Gulfstream V Alert Customer Bulletin No. 14, dated September 20, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D-10, Savannah, Georgia 31402-9980. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### **Effective Date**

(h) This amendment becomes effective on November 6, 2001.

Issued in Renton, Washington, on October 15, 2001.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-26473 Filed 10-19-01; 8:45 am]

**BILLING CODE 4910-13-U**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Parts 19 and 20**

**RIN 2900-AJ97**

#### **Board of Veterans' Appeals: Appeals Regulations and Rules of Practice—Jurisdiction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule proposed amendments to the Appeals Regulations and Rules of Practice of the Board of Veterans' Appeals (Board). These amendments clarify that the Board may address questions related to its jurisdiction in the first instance. They also provide for notice and an opportunity to comment when the Board raises jurisdictional questions on its own initiative.

**DATES:** *Effective Date:* November 21, 2001.

#### **FOR FURTHER INFORMATION CONTACT:**

Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-5978.

**SUPPLEMENTARY INFORMATION:** Initial decisions on claims for veterans' benefits are made at VA field offices

throughout the nation. Claimants may appeal those decisions to the Board. This final rule amends Department of Veterans Affairs' regulations pertaining to such appeals.

These amendments were previously published in the **Federal Register** as a proposed rule on April 4, 2001, at 66 FR 17840. We received no comments. Based on the rationale set forth in the proposed rule, we are adopting its provisions as a final rule, with a nonsubstantive editorial change to the first sentence of § 20.101(e).

#### **Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

#### **Unfunded Mandates**

The Unfunded Mandates Reform Act requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

#### **Regulatory Flexibility Act**

The Secretary hereby certifies that this final rule does 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 rule would affect only the processing of claims by VA and would not affect small businesses.

Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for this final rule.

#### **List of Subjects**

##### **38 CFR Part 19**

Administrative practice and procedure, Claims, Veterans.

##### **38 CFR Part 20**

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans.

Approved: September 27, 2001.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR parts 19 and 20 are amended as follows:

## **PART 19—BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS**

1. The authority citation for part 19 continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

2. Section 19.35 is amended by revising the first sentence to read as follows:

#### **§ 19.35 Certification of appeals.**

Following receipt of a timely Substantive Appeal, the agency of original jurisdiction will certify the case to the Board of Veterans' Appeals.

\* \* \*

\* \* \* \* \*

## **PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE**

3. The authority citation for part 20 continues to read as follows:

**Authority:** 38 U.S.C. 501(a) and as noted in specific sections.

4. Section 20.101 amended by revising paragraph (c), and adding paragraphs (d) and (e), to read as follows:

#### **§ 20.101 Rule 101. Jurisdiction of the Board.**

\* \* \* \* \*

(c) *Appeals as to jurisdiction.* All claimants have the right to appeal a determination made by the agency of original jurisdiction that the Board does not have jurisdictional authority to review a particular case. Jurisdictional questions which a claimant may appeal, include, but are not limited to, questions relating to the timely filing and adequacy of the Notice of Disagreement and the Substantive Appeal.

(d) *Authority to determine jurisdiction.* The Board may address questions pertaining to its jurisdictional authority to review a particular case, including, but not limited to, determining whether Notices of Disagreement and Substantive Appeals are adequate and timely, at any stage in a proceeding before it, regardless of whether the agency of original jurisdiction addressed such question(s). When the Board, on its own initiative, raises a question as to a potential jurisdictional defect, all parties to the proceeding and their representative(s), if any, will be given notice of the potential jurisdictional defect(s) and granted a period of 60 days following the date on which such notice is mailed to present written argument and additional evidence relevant to jurisdiction and to request a hearing to present oral

argument on the jurisdictional question(s). The date of mailing of the notice will be presumed to be the same as the date stamped on the letter of notification. The Board may dismiss any case over which it determines it does not have jurisdiction.

(e) *Application of 38 CFR 19.9 and 20.1304.* Section 19.9 of this chapter shall not apply to proceedings to determine the Board's own jurisdiction. However, the Board may remand a case to an agency of original jurisdiction in order to obtain assistance in securing evidence of jurisdictional facts. The time restrictions on requesting a hearing and submitting additional evidence in § 20.1304 of this part do not apply to a hearing requested, or evidence submitted, under paragraph (d) of this section.

**Authority:** 38 U.S.C. 511(a), 7104, 7105, 7108

#### § 20.203 [Removed and Reserved]

5. Section 20.203 is removed and reserved.

[FR Doc. 01-26557 Filed 10-19-01; 8:45 am]

**BILLING CODE 8320-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 245-0295; FRL-7078-7]

#### Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on July 6, 2001 and concerns volatile organic compound (VOC) emissions from the miscellaneous metal parts source category. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves a local rule regulating these emission sources and directs California to correct the rule's deficiencies.

**EFFECTIVE DATE:** This rule is effective on November 21, 2001.

**ADDRESSES:** You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 1001 "I" Street,  
Sacramento, CA 95814; and,  
San Joaquin Valley Unified Air  
Pollution Control District, 1990 East  
Gettysburg Street, Fresno, CA 93726.

**FOR FURTHER INFORMATION CONTACT:**  
Jerald S. Wamsley, Rulemaking Office  
(AIR-4), U.S. Environmental Protection  
Agency, Region IX, (415) 744-1226.

**SUPPLEMENTARY INFORMATION:**  
Throughout this document, "we," "us" and "our" refer to EPA.

#### I. Proposed Action

On July 6, 2001 (66 FR 35573), EPA proposed a limited approval and limited disapproval of SJVUAPCD Rule 4603 submitted by California for incorporation into the California SIP.

TABLE 1.—SUBMITTED RULE

Local agency	Rule #	Rule title	Adopted	Submitted
SJVUAPCD .....	4603	Surface Coating of Metal Parts and Products .....	09/21/00	12/11/00

We proposed a limited approval because we determined that Rule 4603 improves the SIP and is largely consistent with the relevant CAA requirements. Simultaneously, we proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act.

These provisions of Rule 4603 conflict with section 110 and part D of the Act and prevent full approval of the SIP revision.

1. The language in section 4.1 allows at least two competing interpretations of the rule. This section should be revised to allow only one interpretation consistent with EPA guidance and policy concerning rule applicability, size cut-offs, and allowable non-compliant coating use. District practice of exempting fifteen pounds per day of non-compliant VOC emissions from all sources contradicts the intent of the size cutoff requirements of EPA's RACT Guidance. Furthermore, this practice is inconsistent with EPA policy providing for no more than 55 gallons of non-compliant coating use per rolling 12 month period.

2. Rule 4603 sets a viscosity limit for dip coating of structural steel components. However, SJVUAPCD did not provide a test method for determining compliance with this viscosity limit.

3. Rule 4603 incorporates a solid film lubricant specialty category emissions limit of 880 grams per liter (gr/l.) This limit exceeds the statutory and Control Technique Guideline (CTG) limit of 420 gr/l.

#### II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments on our proposed limited approval and disapproval of Rule 4603.

#### III. EPA Action

No comments were submitted that may have provoked reconsideration of our assessment of the rule as described in our July 6, 2001 proposed action. Therefore, EPA is finalizing a limited approval of the submitted rule as authorized in sections 110(k)(3) and

301(a) of the Act. This action incorporates the submitted rule into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of Rule 4603. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule's deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule's deficiencies within 24 months. The San Joaquin Valley Unified Air Pollution Control District has adopted the submitted rule and EPA's final limited disapproval does not prevent the SJVUAPCD from enforcing it.

#### IV. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action