

school” and adding, in its place, “attending an approved educational institution”; and

c. The last sentence of paragraph (a)(5) and paragraph (d) are revised to read as follows:

§ 3.667 School attendance.

(a) * * *

(5) * * * Where the child was receiving dependency and indemnity compensation in its own right prior to age 18 and was not attending an approved educational institution on the 18th birthday but commences attendance at an approved educational institution after the 18th birthday, payments may be resumed from the commencing date of the course if evidence of such school attendance is filed within 1 year from that date.

* * * * *

(d) *Transfers to other schools.* When benefits have been authorized based upon school attendance and it is shown that during a part or all of that period the child was pursuing a different course in the same approved educational institution or a course in a different approved educational institution, payments previously made will not be disturbed.

* * * * *

[FR Doc. 00-5571 Filed 3-7-00; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR PART 21

RIN 2900-A176

Criteria for Approving Flight Courses for Educational Assistance Programs

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with changes, an interim final rule amending the educational assistance and educational benefit regulations of the Department of Veterans Affairs (VA). The interim final rule revised the criteria to be used in approving flight courses for the education benefits programs VA administers. In large part, those amendments brought the approval criteria into agreement with various provisions of the Veterans' Benefits Improvement Act of 1996 and with the revised regulations of the Federal Aviation Administration. Without the changes made by the interim final rule, VA would not be able to provide educational assistance for veterans to attend affected flight courses. This

document makes changes to the interim final rule to clarify certain provisions and to reflect new statutory changes.

DATES: *Effective Date:* This final rule is effective March 8, 2000.

FOR FURTHER INFORMATION CONTACT:

William G. Susling, Jr., Education Advisor, Education Service (225C), Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on June 23, 1998 (63 FR 34127), VA published an interim final rule amending subparts D and K of 38 CFR part 21, regarding criteria for flight training courses as stated in the **SUMMARY** portion of this document.

Interested persons were given 60 days to submit comments. VA received no comments. Based on the rationale set forth in the interim final rule and in this document, we are adopting the provisions of the interim final rule as a final rule, except as stated below.

The provisions of section 204(a) of Public Law 105-368 amended 38 U.S.C. 3034 to change the requirement that an individual enrolling in a flight course needs to have a qualifying medical certificate. Formerly, the individual needed to show evidence of having the certificate throughout the training period. Now, for flight courses beginning on or after October 1, 1998, the individual only needs to have the certificate at the time the course begins. The provisions of 38 CFR 21.4235(a)(2) and (3) in this final rule reflect this statutory change.

In addition, this final rule makes changes in § 21.4235(c) for purposes of clarification. In particular, this final rule clarifies the meaning of the interim final rule provisions in § 21.4235(c) when an individual already has a commercial pilot certificate or instrument rating, or both, for one category and wants a commercial pilot certificate or instrument rating, or both, for an additional category. The interim final rule provided, with certain exceptions, that if an individual “wants to obtain a commercial pilot certification course in an airplane or powered lift category and does not already have an instrument rating, he or she must also enroll in an instrument rating course simultaneously.” We intended § 21.4235(c) to mean that if you want to enroll in a commercial pilot certification course for a particular category (airplane, helicopter, or powered lift) and do not have an instrument rating for that category, or if you want to enroll in an instrument rating course for a particular category (airplane, helicopter, or powered lift) and do not have a

commercial pilot certificate for the same category, you must enroll in the commercial pilot certification course for the particular category and instrument rating course for that category at the same time. This document makes amendments to clarify this concept.

This document also makes other nonsubstantive changes for purposes of clarification.

Administrative Procedure Act

This document makes changes that are restatements of statutory provisions and nonsubstantive changes for purposes of clarification. 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.

Regulatory Flexibility Act

We affirm the information in the interim final rule document concerning the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance numbers for programs affected by this rule are 64.120 and 64.124. This rule also affects the Montgomery GI Bill—Selected Reserve program, which has no Catalog of Federal Domestic Assistance number.

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, Educational institutions, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: February 22, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, the interim final rule amending 38 CFR part 21 (subparts D and K), which was published at 63 FR 34127 on June 23, 1998, is adopted as a final rule with the following changes:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

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

Authority: 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4235, paragraphs (a)(2), (a)(3), and (c) are revised to read as follows:

§ 21.4235 Programs of education that include flight training.

(a) * * *

(2) If enrolled in a course other than an Airline Transport Pilot (ATP) course, hold a second-class medical certificate on the first day of training and, if that course began before October 1, 1998, hold that certificate continuously during training; and

(3) If enrolled in an ATP certification course, hold a first-class medical certificate on the first day of training and, if that course began before October 1, 1998, hold that certificate continuously during training.

(Authority: 10 U.S.C. 16136(c); 38 U.S.C. 3034(d), 3241(b))

(c) *Pursuit of flight courses.* (1) VA will pay educational assistance to an eligible individual for an enrollment in a commercial pilot certification course leading to Federal Aviation Administration certification for a particular category even if the individual has a commercial pilot certificate issued by the Federal Aviation Administration for a different category, since each category represents a different vocational objective.

(2) VA will pay educational assistance to an eligible individual for an enrollment in an instrument rating course only if the individual simultaneously enrolls in a course required for a commercial pilot certificate for the category for which the instrument rating course is pursued or if, at the time of enrollment in the instrument rating course, the individual has a commercial pilot certificate issued by the Federal Aviation Administration for such category. The enrollment in an instrument rating course alone does not establish that the individual is pursuing a vocational objective, as required for VA purposes, since that rating equally may be applied to an individual's private pilot certificate, only evidencing an intent to pursue a non-vocational objective.

(3) VA will pay educational assistance to an eligible individual for an enrollment in a flight course other than an instrument rating course or a ground instructor course, including courses leading to an aircraft type rating, only if the individual has a commercial pilot certificate issued by the Federal Aviation Administration for the category to which the particular course applies.

(4) VA will pay educational assistance to an eligible individual for an

enrollment in a ground instructor certificate course, even though the individual does not have any other flight certificate issued by the Federal Aviation Administration, since the Federal Aviation Administration does not require a flight certificate as a prerequisite to ground instructor certification and ground instructor is a recognized vocational objective.

(5) VA will not pay an eligible individual for simultaneous enrollment in more than one flight course, except as provided in paragraph (c)(2) of this section.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3002(3)(A), 3034(a), 3202(2)(A), 3241(a), 3241(b), 3452(b), 3680A(a)(3))

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179-0178; FRL-6546-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, 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 California State Implementation Plan (SIP) proposed in the **Federal Register** on September 23, 1999. This final action will incorporate several San Joaquin rules into the federally approved SIP. The intended effect of finalizing this action is to regulate particulate matter (PM-10) emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control PM-10 emissions from fugitive dust sources. EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval, the emission offset sanction will automatically apply unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval and the highway funding sanction will automatically

apply 6 months later. (59 FR 39832, August 4, 1994.) Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on April 7, 2000.

ADDRESSES: Copies of the rules and EPA's Technical Support Document are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Office, (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 95814

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg Ave., Fresno, CA 93726

FOR FURTHER INFORMATION CONTACT: Karen Irwin, Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1903.

SUPPLEMENTARY INFORMATION:

I. Background

On September 23, 1999 in 64 FR 51489, EPA proposed granting limited approval and limited disapproval of the following rules into the California SIP: San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 8010, Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM-10); SJVUAPCD Rule 8020, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Construction, Demolition, Excavation, Extraction Activities; SJVUAPCD Rule 8030, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Handling and Storage of Bulk Materials; SJVUAPCD Rule 8040, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Landfill Disposal Sites; SJVUAPCD Rule 8060, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Paved and Unpaved Roads and; SJVUAPCD Rule 8070, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Vehicle and/or Equipment Parking, Shipping,