

(ii) Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

(3) For purposes of paragraph (n) of this section, the term *felony* includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

(4) For purposes of paragraph (n) of this section, the term *dependent* means a spouse, surviving spouse, child, or dependent parent of a veteran.

(Authority: 38 U.S.C. 501(a), 5313, 5313B; Sec. 506, Pub. L. 107-103, 115 Stat. 996-997)

■ 20. Section 3.666 is amended by:

■ A. Revising the section heading.

■ B. In the introductory text, removing "Where" and adding, in its place, "If"; removing "Payments" and adding, in its place, "However, no apportionment will be made if the veteran or the dependent is a fugitive felon as defined in paragraph (e) of this section. Payments", and removing "received in" and adding, in its place, "received by".

■ C. Adding paragraph (e).

The revision and additions read as follows:

**§ 3.666 Incarcerated beneficiaries and fugitive felons—pension.**

\* \* \* \* \*

(e) *Fugitive felons.*

(1) Pension is not payable on behalf of a veteran for any period during which he or she is a fugitive felon. Pension or death pension is not payable on behalf of a dependent of a veteran for any period during which the veteran or the dependent is a fugitive felon.

(2) For purposes of this section, the term *fugitive felon* means a person who is a fugitive by reason of:

(i) Fleeing to avoid prosecution, or custody or confinement after conviction for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

(ii) Violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

(3) For purposes of paragraph (e) of this section, the term *felony* includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

(4) For purposes of paragraph (e) of this section, the term *dependent* means a spouse, surviving spouse, child, or dependent parent of a veteran.

(Authority: 38 U.S.C. 501(a), 5313, 5313B)

■ 21. Section 3.801 is amended by:

■ A. In paragraph (e), removing "§§ 3.551 and 3.557" and adding, in its place, "§ 3.551".

■ B. Adding an authority citation at the end of the section.

The addition reads as follows:

**§ 3.801 Special acts.**

\* \* \* \* \*

(Authority: 38 U.S.C. 501(a), 5503)

■ 22. Section 3.852 is amended by:

■ A. In paragraph (a)(2), removing the semicolon and adding, in its place, a period.

■ B. Removing paragraph (a)(3).

■ C. Revising the authority citation at the end of paragraph (a).

■ D. Removing paragraph (d), and redesignating paragraph (e) as paragraph (d).

The revision reads as follows:

**§ 3.852 Institutional awards.**

(a) \* \* \*

(Authority: 38 U.S.C. 501(a); 5307; 5502)

\* \* \* \* \*

**§ 3.853 [Amended]**

■ 23. Section 3.853 is amended by removing paragraph (d)..

■ 24. Section 3.1007 is amended by:

■ A. Removing "under § 3.557(b)" and adding, in its place, "under former § 3.557(b) (as applicable prior to December 27, 2001)".

■ B. Removing "the amount specified in § 3.557(b)(4)" and adding, in its place, "the statutory maximum".

■ C. Revising the authority citation at the end of the section.

The revision reads as follows:

**§ 3.1007 Hospitalized incompetent veterans.**

\* \* \* \* \*

(Authority: 38 U.S.C. 5503)

**PART 13—VETERANS BENEFITS ADMINISTRATION, FIDUCIARY ACTIVITIES**

■ 25. The authority citation for part 13 continues to read as follows:

**Authority:** 72 Stat. 1114, 1232, as amended, 1237; 38 U.S.C. 501, 5502, 5503, 5711, unless otherwise noted.

■ 26. Section 13.70 is amended by:

■ A. Redesignating paragraph (a)(1) as paragraph (a) and removing paragraph (a)(2).

■ B. Adding an authority citation at the end of the section.

The addition reads as follows:

**§ 13.70 Apportionment of benefits to dependents.**

\* \* \* \* \*

(Authority: 38 U.S.C. 501, 512, 5502, 5503)

■ 27. Section 13.71 is amended by:

■ A. Removing paragraph (a) heading and paragraph (b).

■ B. Redesignating paragraphs (a)(1) through (a)(1)(iii) as paragraphs (a) through (a)(3), respectively.

■ C. Redesignating paragraphs (a)(2) through (a)(2)(iii) as paragraphs (b) through (b)(3), respectively; and redesignating paragraph (a)(3) as paragraph (c).

■ D. In newly redesignated paragraph (a) introductory text and paragraph (c), removing "(a)(2)" and adding, in its place, "(b)".

■ E. In newly redesignated paragraph (b)(3), removing "shall determine" and adding, in its place, "determines".

■ F. In newly redesignated paragraph (c), removing "may" and adding, in its place, "will".

■ G. Revising the authority citation.

The revision reads as follows:

**§ 13.71 Payment of cost of veteran's maintenance in institution.**

\* \* \* \* \*

(Authority: 38 U.S.C. 501, 512, 5502, 5503)

**§§ 13.74 through 13.77 [Removed and Reserved]**

■ 28. Sections 13.74 through 13.77 are removed and reserved.

■ 29. Section 13.107 is amended by revising the authority citation to read as follows:

**§ 13.107 Accounts of chief officers of public or private institutions.**

\* \* \* \* \*

(Authority: 38 U.S.C. 5502)

**§§ 13.108 and 13.109 [Removed and Reserved]**

■ 30. Sections 13.108 and 13.109 are removed and reserved.

[FR Doc. 03-14415 Filed 6-9-03; 8:45 am]

BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[KS 179-1179a; FRL-7510-4]

**Approval and Promulgation of Implementation Plans; State of Kansas**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking final action to approve a revision to the State Implementation Plan (SIP) submitted by the state of Kansas. The purpose of this revision is to delete the Wyandotte County Air Pollution Control Regulations from the Federally-Approved Regulations. These regulations were originally incorporated

into the SIP to assure that local-specific air quality issues were addressed with Federally-enforceable provisions. Due to the continued evolution of the Kansas Air Quality Regulations, these local regulations are no longer necessary to assure continued maintenance of air quality standards for Wyandotte County.

**DATES:** This direct final rule will be effective August 11, 2003, unless EPA receives adverse comments by July 10, 2003. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101, or E-mail her at [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov).

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton at (913) 551-7039.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this document?

Have the requirements for approval of a SIP revision been met?

What action is EPA taking?

**What Is a SIP?**

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These

SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

**What Is the Federal Approval Process for a SIP?**

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled “Approval and Promulgation of Implementation Plans.” The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are “incorporated by reference,” which means that we have approved a given state regulation with a specific effective date.

**What Does Federal Approval of a State Regulation Mean to Me?**

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

**What Is Being Addressed in This Document?**

This action approves the deletion of the Wyandotte County Air Pollution Control Regulations from the Federally-Approved Regulations. These regulations were originally incorporated into the SIP on April 3, 1981, and codified in 40 CFR 52.870(c). Due to the continuing evolution of the Kansas Air Quality Regulations, these local

regulations are no longer necessary to assure continued maintenance of the air quality.

The Wyandotte County Air Pollution Control Regulations 2A-1 through 2A-32 have been cross-reviewed with the Kansas Air Quality Regulations and the Kansas Statutes. All of the former Wyandotte County Air Pollution Control regulations have an equivalent state rule or statute with the exception of four regulations. The content of these four regulations, 2A-2 “Purpose,” 2A-3 “Definitions” (definition of “Vehicle” to include “railroad engines”), 2A-23 “Restriction of Emissions of Odors,” and 2A-32 “Conflict of Ordinances, Effect of Partial Invalidity,” do not directly affect air quality standards.

The Kansas Department of Health and Environment approved the recommendation to remove these rules on January 14, 2003. The rules will be deleted with this direct final action.

**Have the Requirements for Approval of a SIP Revision Been Met?**

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

**What Action Is EPA Taking?**

EPA is approving the revision to the Kansas SIP to delete the Wyandotte County Air Pollution Control Regulations from the Federally-Approved Regulations. On January 14, 2003, the state of Kansas submitted a request for EPA to remove Wyandotte County Air Pollution Control regulations which are no longer necessary to assure continued maintenance of the air quality standards for the area. The Wyandotte County regulations that affect air quality have been replicated in the Kansas Air Quality Regulations or Kansas Statutes.

We are processing this action as a direct final action because it removes duplicative regulations from the SIP. We do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

**Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for

failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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. 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 cannot 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 2003. Filing a petition for reconsideration by 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 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 30, 2003.

**James B. Gulliford,**

*Regional Administrator, Region 7.*

■ 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 R—Kansas**

■ 2. Section 52.870 is amended by:

- a. Revising paragraph (b)(3); and
- b. In the table for paragraph (c) by removing the heading “Wyandotte County” and all entries for 2A–1 through 2A–32.

The revision reads as follows:

**§ 52.870 Identification of Plan.**

\* \* \* \* \*

(b) \* \* \*

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA Air and Radiation Docket and Information Center, Room B–108, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

\* \* \* \* \*

[FR Doc. 03–14456 Filed 6–9–03; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 206****RIN 1660–AA15****Disaster Assistance; Public Assistance Program and Community Disaster Loan Program Statutory Changes**

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Adoption of interim final rule as final.

**SUMMARY:** This final rule adopts the interim final rule, published in the **Federal Register** on May 4, 2001, to implement portions of the Disaster Mitigation Act of 2000 that affect large in-lieu contributions (alternate projects), irrigation facilities, critical/non-critical private nonprofit facilities, and community disaster loans.

**DATES:** The Interim Final Rule published on May 4, 2001 at 66 FR