

appeal to a U.S. Court of Appeals in accordance with 18 U.S.C. 3742.

The Commission has found it necessary to make these decisions through a delegation of authority to individual Commissioners in order to permit timely processing of these cases. (Many of these treaty prisoners are returned to the United States after having already served sufficient time in foreign prisons to warrant an immediate release date within the applicable sentencing guideline range.) The Commission has decided, however, that a quorum of two Commissioners is more appropriate, given the fact that there is no administrative appeal from the Regional Commissioner's decision. This is in contrast to the ordinary parole case wherein the Regional Commissioner's decision is subject to an administrative appeal within the Commission, under 18 U.S.C. 4215, before the prisoner may seek judicial review in a federal court. Accordingly, transfer treaty cases under 18 U.S.C. 4106A will be decided by the National Commissioners, with the concurrence of two Commissioners required to reach a decision.

Implementation

This procedural rule will be applied to all transfer treaty cases under 18 U.S.C. 4106A wherein the transfer treaty hearing is conducted on or after the effective date set forth above.

Executive Order 12866 and Regulatory Flexibility Statement:

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has therefore not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2:

Administrative practice and procedure, probation and parole, prisoners.

The Final Rule

Accordingly, the U.S. Parole Commission makes the following amendment to 28 CFR part 2:

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2, § 2.62(i)(1) is revised to read as follows:

§ 2.62 Prisoners transferred pursuant to treaty.

* * * * *

(i) *Final decision.* (1) The Commission shall render a decision as soon as practicable and without unnecessary delay. Decisions shall be made upon a concurrence of two votes of the National Commissioners. The decision shall set a release date and a period and conditions of supervised release. If the Commission determines that the appropriate release date under 18 U.S.C. 4106A is the full term date of the foreign sentence, the Commission will order the transferee to "continue to expiration"

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Dated: March 31, 1995.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 2 and 3

RIN 2900-AH36

Veterans' Benefits Improvements Act of 1994: To Implement Provisions of Public Law 103-446

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations to: Allow the election of death pension by surviving spouses in receipt of dependency and indemnity compensation (DIC); eliminate the requirement to pay certain benefits in Philippine pesos; revise the treatment of certain claims after a renouncement of benefits; and exclude from countable income in the pension and parents' DIC programs certain income of Alaska natives. These changes are needed to implement recently enacted legislation. The intended effect of these changes is to bring the regulations into conformance with the new statutory requirements.

EFFECTIVE DATE: These amendments are effective November 2, 1994, the date that Public Law 103-446 was signed into law, except for the provisions removing the requirement to pay certain benefits in Philippine pesos (38 CFR 2.67a, 3.8, 3.100(b), 3.251(a)(3), and 3.1600) which are effective January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits

Administration, 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: On November 2, 1994, the Veterans' Benefits Improvements Act of 1994 was signed into law. Formerly, no person in receipt of DIC could elect to receive any other benefit based on the same death. Section 111 of the Veterans' Benefits Improvements Act of 1994, Public Law 103-446, amended 38 U.S.C. 1317 to allow a surviving spouse in receipt of DIC to elect death pension instead of such compensation. VA is amending 38 CFR 3.5(c) and 3.702(d) to conform with this new statutory provision. We have also made a nonsubstantive change in § 3.702(d) to clarify when an election of DIC is final.

Under the provisions of 38 U.S.C. 5306 any person can renounce a benefit to which he or she is entitled. Until recently any new application filed thereafter was treated as an original application. Section 503 of Public Law 103-446 amended 38 U.S.C. 5306 by adding a new subsection which provides that a new application for pension or parents' DIC filed within one year after renouncement of that benefit shall not be treated as an original application but rather that any benefits due will be payable as if the renouncement has not occurred. VA is amending 38 CFR 3.106 and 3.400(s) to conform to this new statutory requirement.

All income is countable when VA determines entitlement to income-based benefits unless specifically excluded by law. Section 506 of Public Law 103-446 provides a new exception to countable income if cash, stock, land, or other interests are received by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). VA is amending 38 CFR 3.261, 3.262 and 3.272 to conform to this new statutory requirement.

Section 507 of Public Law 103-446 amended 38 U.S.C. 107 to eliminate the requirement that compensation, DIC, or burial allowance based on certain Philippine service deemed not to be active service for other purposes be paid in Philippine pesos. VA is amending 38 CFR 3.8, 3.251(a)(3), and 3.1600 to conform to this statutory revision. VA is removing §§ 2.67a and 3.100(b) because, in light of the statutory amendment, calculation of the annual income limitation in Philippine pesos is not required and a delegation of authority to the Chief Benefits Director for that purpose is no longer necessary.

VA is issuing a final rule to make the above described amendments. These

amendments are necessary to conform regulatory provisions with Public Law 103-446. Because these amendments merely restate statutory changes, publication as a proposal for public comment is unnecessary.

Administrative Procedure Act: This final rule merely restates statutory changes contained in Public Law 103-446. Accordingly, pursuant to 5 U.S.C. 553, there is a basis for dispensing with prior notice and comment on this final rule and dispensing with a 30-day delay of its effective date.

Regulatory Flexibility Act: Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.104, 64.105, 64.109, and 64.110.

List of Subjects

38 CFR Part 2

Authority delegations (Government agencies), Veterans Affairs Department.

38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: March 31, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR parts 2 and 3 are amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 38 U.S.C. 501, 512(a), unless otherwise noted.

§ 2.67a [Removed]

2. Section 2.67a is removed.

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

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

§ 3.5 [Amended]

2. In § 3.5(c) change the period after "Affairs" to a comma and add the following: "except that, effective November 2, 1994, a surviving spouse who is receiving dependency and indemnity compensation may elect to receive death pension instead of such compensation."

§ 3.8 [Amended]

3. In § 3.8(b) and § 3.8(c)(1) remove "in Philippine pesos equivalent to" and add "of", in its place.

4. In § 3.8(e) remove "a peso basis" and add, in its place, "a \$0.50 for each dollar authorized basis". Remove "payable in pesos." and add, in its place, "payable at the rate of \$0.50 for each dollar authorized."

§ 3.100 [Amended]

5. Section 3.100(b) is removed. Redesignate § 3.100(c) as § 3.100(b).

6. In § 3.106, redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively. Add a new paragraph (c) to read as follows:

§ 3.106 Renoucement.

* * * * *

(c) Notwithstanding the provisions of paragraph (b) of this section, if a new application for pension or parents' dependency and indemnity compensation is filed within one year after the date that the Department of Veterans Affairs receives a renoucement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renoucement had not occurred.

(Authority: 38 U.S.C. 5306(c))

§ 3.251 [Amended]

7. In § 3.251(a)(3), remove "computed" and "in Philippine pesos equivalent".

8. In § 3.261, paragraph (a)(39) is added to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

(a) *Income*

* * * * *

Income	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; old-law (veterans, surviving spouses and children)	Pension; section 306 (veterans, surviving spouses and children)	See—
(39) Cash, stock, land or other interests received from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).	Excluded	Excluded	Excluded	Excluded	§ 3.262(x).

* * * * *

9. In § 3.262, paragraph (x) and its authority citation are added as follows:

§ 3.262 Evaluation of income.

* * * * *

(x) *Alaska Native Claims Settlement Act.* There shall be excluded from income computation any cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum; stock (including stock

issued or distributed by a Native Corporation as a dividend or distribution on stock); a partnership interest; land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and an interest in a settlement trust. (November 2, 1994)
(Authority: Sec. 506, Pub. L. 103-446)

10. In § 3.272, paragraph (t) and its authority citation are added as follows:

§ 3.272 Exclusions from income.

* * * * *

(t) *Alaska Native Claims Settlement Act.* Any receipt by an individual of cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum; stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock); a partnership interest; land or an interest in land (including land or an interest in land

received from a Native Corporation as a dividend or distribution on stock); and an interest in a settlement trust. (November 2, 1994)

(Authority: Sec. 506, Pub. L. 103-446)

§ 3.400 [Amended]

11. In § 3.400(s), remove "Date" and add, in its place, "Except as provided in § 3.106(c), date".

12. In § 3.702, paragraph (d) is revised as follows:

§ 3.702 Dependency and indemnity compensation.

* * * * *

(d) *Finality of election.*

(1) Except as noted in paragraph (d)(2), an election to receive dependency and indemnity compensation is final and the claimant may not thereafter reelect death pension or compensation in that case. An election is final when the payee (or the payee's fiduciary) has negotiated one check for this benefit or when the payee dies after filing an election but prior to negotiation of a check.

(2) Notwithstanding the provisions of paragraph (d)(1), effective November 2, 1994, a surviving spouse who is receiving dependency and indemnity compensation may elect to receive death pension instead of such compensation.

(Authority: 38 U.S.C. 1317)

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§ 3.1600 [Amended]

13. In § 3.1600, paragraphs (a), (b), and (f), remove the words "in Philippine pesos".

[FR Doc. 95-8887 Filed 4-10-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5189-2]

Arizona: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Arizona has applied for final authorization of revisions to its hazardous waste

program under the Resource Conservation and Recovery Act (RCRA), as amended. The Environmental Protection Agency (EPA) has completed its review of Arizona's application and has made a decision, subject to public review and comment, that Arizona's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Arizona's hazardous waste program revisions. Arizona's application for program revision is available for public review and comment.

DATES: Final authorization for Arizona is effective June 12, 1995, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Arizona's program revision application must be received by the close of business May 11, 1995.

ADDRESSES: Copies of Arizona's program revision application are available during the business hours of 9:00 a.m. to 5:00 p.m. at the following addresses for inspection and copying:

Arizona Department of Environmental Quality, Central Office, Office of Waste Programs, Waste Assessment Section, 3033 N. Central Avenue, Phoenix, Arizona 85012, Phone: 602/207-4211

Arizona Department of Environmental Quality, Northern Regional Office, 2501 North 4th Street, Suite #14, Flagstaff, Arizona 86004, Phone: 602/779-0313 or 1-800/234-5677

Arizona Department of Environmental Quality, Southern Regional Office, 4040 East 29th Street, Tucson, Arizona 85711, Phone: 602/628-5651 or 1-800/234-5677

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-1510

Written comments should be sent to April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-2030.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-2030.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource

Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. Arizona

Arizona initially received final authorization for the base program on November 20, 1985. Arizona received final authorization for revisions to its program on August 6, 1991, July 13, 1992, November 23, 1992, and October 27, 1993. On February 10, 1995, Arizona submitted an application for additional revision approvals. Today, Arizona is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Arizona's application, and has made an immediate final decision that Arizona's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to approve final authorization for Arizona's hazardous waste program revisions. The public may submit written comments on EPA's immediate final decision up until May 11, 1995. Copies of Arizona's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Arizona's program revisions shall become effective in 60 days unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Arizona is applying for authorization for the following Federal hazardous waste requirements:

Federal requirement	State authority
Permit Modifications for Hazardous Waste Management Facilities (53 FR 37912, September 28, 1988, as amended October 24, 1988 at 53 FR 41649).	Arizona Revised Statutes (ARS) 49-922.A + B; Arizona Administrative Code (AAC) R18-8-264.A, 265.A, 270.A + C, and 271.A, D(c)(1) + D(c)(3).