

affirming as a final rule, without change, the interim rule published at 59 FR 46337.

The Secretary 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. This final rule would not directly affect small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605 (b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

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

List of Subjects in 38 CFR Part 3

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

The interim rule published September 8, 1994, in the **Federal Register** (59 FR 46337) amending 38 CFR part 3 is adopted as final without change.

Approved: August 28, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

[FR Doc. 95-22128 Filed 9-6-95; 8:45 am]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AG98

Veterans Education: Increases in Rates Payable in the Educational Assistance Test Program

AGENCY: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 1991-92 academic year should be increased by 6% over the rates payable for the 1990-91 academic year; the rates for the 1992-93 academic year should

be increased by 8% over the rates payable for the 1991-92 academic year; the rates for the 1993-94 academic year should be increased by 7% over the rates payable for the 1992-93 academic year; and the rates for the 1994-95 academic year should be increased by 8% over the rates payable for the 1993-94 academic year. The regulations dealing with these rates are amended accordingly.

EFFECTIVE DATE: September 7, 1995.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: The law (10 U.S.C. 2145) provides that the Secretary of Defense shall adjust the amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the twelve-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of Defense has consulted with the Department of Education. The Department of Defense has concluded that these costs increased by 6% in the 1990-91 academic year, by 8% in the 1991-92 academic year, by 7% in the 1992-93 academic year, and by 8% in the 1993-94 academic year. Accordingly, this revision changes 38 CFR 21.5820 and 21.5822 to reflect each increase in the rates payable in the subsequent academic year.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 there is good cause for finding that notice and public procedure are impractical, unnecessary, and contrary to the public interest and there is good cause for dispensing with a 30 day delay of the effective date. The rates of subsistence allowance and educational assistance payable under the Educational Assistance Test program are determined based on a statutory formula and, in essence, the calculation of rates merely constitute a non discretionary ministerial act.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that these amended regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to the 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility

analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

There is no Catalog of Federal Domestic Assistance number for the program affected by these regulations.

List of Subjects in 38 CFR Part 21

Civil rights, claims, Education, Grant programs-education, Loan programs-education, Reporting and record keeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: December 27, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: August 28, 1995.

Samuel E. Ebbesen,

Lieutenant General, USA, Deputy Assistant Secretary (Military Personnel Policy), Department of Defense.

For the reasons set out in the preamble, 38 CFR part 21, subpart H is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart H—Educational Assistance Test Program

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

Authority: 10 U.S.C. Ch. 107, Pub. L. 96-342.

2. In § 21.5820, paragraph (b) is revised to read as follows:

§ 21.5820 Educational assistance.

* * * * *

(b) *Amount of educational assistance.*

(1) The amount of educational assistance shall be adjusted annually by regulation.

(i) For the 1991-92 standard academic year the amount of this assistance may not exceed \$2,087.

(ii) For the 1992-93 standard academic year the amount of this assistance may not exceed \$2,254.

(iii) For the 1993-94 standard academic year the amount of this assistance may not exceed \$2,412.

(iv) For the 1994-95 standard academic year the amount of this assistance may not exceed \$2,605.

(2) The amount of educational assistance payable to a servicemember, veteran, spouse or dependent child of a living servicemember or veteran for an

enrollment period shall be the lesser of the following:

(i) The total charges for educational expenses the eligible individual incurs during the enrollment period.

(ii) For the 1991–92 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$231.89 for a full-time student or by \$115.94 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$7.73 for a full-time student or by \$115.94 for a part-time student; and

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be decreased by 1¢ for a full-time student and increased by 4¢ for a part-time student.

(iii) For the 1992–93 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$250.44 for a full-time student or by \$125.22 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$8.35 for a full-time student or by \$4.17 for a part-time student; and

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be increased by 4¢ for a full-time student and increased by 2¢ for a part-time student.

(iv) For the 1993–94 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$268.00 for a full-time student or by \$134.00 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$8.93 for a full-time student or by \$4.47 for a part-time student; and

(C) Adding the two results.

(v) For the 1994–95 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$289.44 for a full-time student or by \$144.72 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$9.65 for a full-time student or by \$4.82 for a part-time student; and

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be increased by 4¢ for a full-time student and increased by 2¢ for a part-time student.

(3) The amount of educational assistance payable to each surviving

spouse or dependent child of a deceased servicemember or veteran for an enrollment period shall be the lesser of the following:

(i) The total charges for educational expenses the eligible individual incurs during the enrollment period.

(ii) For the 1991–92 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$231.89 for a full-time student or by \$115.94 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$7.73 for a full-time student or by \$3.86 for a part-time student;

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be decreased by 1¢ for a full-time student and increased by 4¢ for a part-time student; and

(D) Dividing the amount determined in paragraph (b)(3)(ii)(C) of this section by the number of the deceased veteran's dependents receiving educational assistance for that enrollment period. If one or more dependents is receiving educational assistance for part of the enrollment period, the amount calculated in paragraph (b)(3)(ii)(C) of this section will be prorated on a daily basis. The amount for each day when more than one dependent is receiving educational assistance will be divided by the number of dependents receiving educational assistance on that day. The total amount for the days when only one dependent is receiving educational assistance will not be divided.

(iii) For the 1992–93 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$250.44 for full-time student or by \$125.22 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$8.35 for a full-time student or by \$4.17 for a part-time student;

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be increased by 4¢ for a full-time student and increased by 2¢ for a part-time student; and

(D) Dividing the amount determined in paragraph (b)(3)(iii)(C) of this section by the number of the deceased veteran's dependents receiving educational assistance for that enrollment period. If one or more dependents is receiving educational assistance for part of the enrollment period, the amount calculated in paragraph (b)(3)(iii)(C) of this section will be prorated on a daily

basis. The amount for each day when more than one dependent is receiving educational assistance will be divided by the number of dependents receiving educational assistance on that day. The total amount for the days when only one dependent is receiving educational assistance will not be divided.

(iv) For the 1993–94 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$268.00 for a full-time student or by \$134.00 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$8.93 for a full-time student or by \$4.47 for a part-time student;

(C) Adding the two results; and

(D) Dividing the amount determined in paragraph (b)(3)(iv)(C) of this section by the number of the deceased veteran's dependents receiving educational assistance for that enrollment period. If one or more dependents is receiving educational assistance for part of the enrollment period, the amount calculated in paragraph (b)(3)(iv)(C) of this section will be prorated on a daily basis. The amount for each day when more than one dependent is receiving educational assistance will be divided by the number of dependents receiving educational assistance on that day. The total amount for the days when only one dependent is receiving educational assistance will not be divided.

(v) For the 1994–95 standard academic year an amount determined by:

(A) Multiplying the number of whole months in the enrollment period by \$289.44 for a full-time student or by \$144.72 for a part-time student;

(B) Multiplying any additional days in the enrollment period by \$9.65 for a full-time student or by \$4.82 for a part-time student;

(C) Adding the two results. If the enrollment period is as long or longer than a standard academic year, this amount will be increased by 4¢ for a full-time student and increased by 2¢ for a part-time student; and

(D) Dividing the amount determined in paragraph (b)(3)(v)(C) of this section by the number of the deceased veteran's dependents receiving educational assistance for that enrollment period. If one or more dependents is receiving educational assistance for part of the enrollment period, the amount calculated in paragraph (b)(3)(v)(C) of this section will be prorated on a daily basis. The amount for each day when more than one dependent is receiving educational assistance will be divided by the number of dependents receiving

educational assistance on that day. The total amount for the days when only one dependent is receiving educational assistance will be divided.

* * * * *

3. In § 21.5822, paragraphs (b)(1)(i), (b)(1)(ii), (b)(2)(i), and (b)(2)(ii) are revised, to read as follows:

§ 21.5822 Subsistence allowance.

* * * * *

(b) *Amount of subsistence allowance.*

(1) * * *

(i) If a person is pursuing a course of instruction on a full-time basis, his or her subsistence allowance is:

(A) \$520 per month for training pursued during the 1991–92 academic year;

(B) \$562 per month for training pursued during the 1992–93 academic year;

(C) \$601 per month for training pursued during the 1993–94 academic year; and

(D) \$649 per month for training pursued during the 1994–95 academic year.

(ii) If a person is pursuing a course of instruction on other than a full-time basis, his or her subsistence allowance is:

(A) \$260 per month for training pursued during the 1991–92 academic year;

(B) \$281 per month for training pursued during the 1992–93 academic year;

(C) \$300.50 per month for training pursued during the 1993–94 academic year; and

(D) \$324.50 per month for training pursued during the 1994–95 academic year.

* * * * *

(2) * * *

(i) VA shall determine the monthly rate of subsistence allowance payable to a person for a day during which he or she is pursuing a course of instruction full-time as follows:

(A) For the 1991–92 academic year VA will divide \$520 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day;

(B) For the 1992–93 academic year VA will divide \$562 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day;

(C) For the 1993–94 academic year VA will divide \$601 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day; and

(D) For the 1994–95 academic year VA will divide \$649 per month by the

number of the deceased veteran's dependents pursuing a course of instruction on that day.

(ii) VA shall determine the monthly rate of subsistence allowance payable to a person for a day during which he or she is pursuing a course of instruction on other than full-time basis as follows:

(A) For the 1991–92 academic year VA will divide \$281 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day;

(B) For the 1992–93 academic year VA will divide \$281 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day;

(C) For the 1993–94 academic year VA will divide \$300.50 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day; and

(D) For the 1994–95 academic year VA will divide \$324.50 per month by the number of the deceased veteran's dependents pursuing a course of instruction on that day.

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[FR Doc. 95–22004 Filed 9–6–95; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 95–8–7057; FRL–5279–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on December 2, 1993 and February 2, 1995. The revisions concern rules from the following: Placer County Air Pollution Control District (PCAPCD), San Diego County Air Pollution Control District (SDCAPCD), San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), and Ventura County Air Pollution Control District (VCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving

these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). This final action serves as a final determination that the deficiencies in the rules that started sanctions clocks have been corrected and that any sanctions or Federal Implementation Plan (FIP) obligations triggered by those deficiencies have been permanently stopped. The rules control VOC emissions from marine vessel coating; graphic arts operations; paper, fabric and film coating; and storage of organic liquids. Thus, EPA is finalizing the approval of these rules into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on October 10, 1995.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule 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 Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

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.

Placer County Air Pollution Control District, 11464 B. Avenue, Auburn, CA 95603.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1190. Internet E-mail: beck.erik@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1993 EPA proposed approval of VCAPCD Rule 74.3, "Paper, Fabric, and Film Coating Operations," 58 FR 63545. On February 2, 1995, 60 FR 6467, EPA proposed approval of the