

will not affect small businesses. Therefore, pursuant to 5 U.S.C. 606(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 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.

Approved: October 26, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

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.

2. Section 3.353 is amended by revising paragraph (b) to read as follows:

§ 3.353 Determinations of incompetency and competency.

* * * * *

(b) *Authority.* (1) Rating agencies have sole authority to make official determinations of competency and incompetency for purposes of: insurance (38 U.S.C. 1922), the discontinuance and payment of amounts withheld because of an estate in excess of \$1,500 (§ 3.557(b)), and, subject to § 13.56 of this chapter, disbursement of benefits. Such determinations are final and binding on field stations for these purposes.

(2) Where the beneficiary is rated incompetent the Adjudication Officer will inform the Veterans Services Officer of jurisdiction of that fact. The Veterans Services Officer will develop information as to the beneficiary's social, economic and industrial adjustment and appoint (or recommend appointment of) a fiduciary as provided in § 13.55 of this chapter, select a method of disbursing payment as provided in § 13.56 of this chapter, or in the case of a married beneficiary, appoint the beneficiary's spouse to receive payments as provided in § 13.57 of this chapter. The Adjudication Officer will authorize disbursement of the benefit in the manner selected by the Veterans Services Officer.

(3) If in the course of fulfilling the responsibilities assigned in paragraph (b)(2) the Veterans Services Officer develops evidence indicating that the beneficiary may be capable of administering the funds payable without limitation, he or she will refer that evidence to the rating agency with a statement as to his or her findings. The rating agency will consider this evidence, together with all other evidence of record, to determine whether its prior determination of incompetency should remain in effect. Reexamination may be requested as provided in § 3.327(a) if necessary to properly evaluate the beneficiary's mental capacity to contract or manage his or her own affairs.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 66-1-7113; A-1-FRL-5323-2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pertaining to the RACT Approval for Panther Creek Partners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 8, 1995, EPA published approval of a State Implementation Plan (SIP) revision submitted by Pennsylvania (60 FR 46768). This revision would have approved requirements to establish reasonably available control technology (RACT) for Panther Creek Partners, located in Carbon County. The intended effect of the action was to approve nitrogen oxide (NO_x) RACT for this major NO_x source located in Pennsylvania. Because EPA received adverse comment, EPA is amending the September 8, 1995 final action, only as it pertains to Panther Creek Partners.

EFFECTIVE DATE: November 3, 1995.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597-9337.

SUPPLEMENTARY INFORMATION: EPA approved this direct final rule without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the Federal Register with a provision for a 30 day comment period (60 FR 46768). At the same time, EPA announced that this final rule would

convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (60 FR 46802). The final rulemaking action would be withdrawn by publishing a document announcing withdrawal of this action. In this action, EPA is not withdrawing the final rule; but amending the final rule as it pertains to Panther Creek.

Adverse comments pertaining to Panther Creek Partners were submitted to EPA within the prescribed comment period. Therefore, EPA is amending the September 8, 1995 final rulemaking action, only as it pertains to Panther Creek Partners. All other RACT approvals contained in the September 8, 1995 are approved as described in that document. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: October 23, 1995.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart NN—Pennsylvania

§ 52.2020 [Amended]

2. In § 52.2020, paragraph (c)(102)(i)(B)(8) is removed and reserved.

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40 CFR Parts 52 and 81

[MT32-1-7117a, ND6-2-7081a, UT21-1-6915a, WY7-1-7042a; FRL-5303-1]

Clean Air Act Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration; Designation of Areas for Air Quality Planning Purposes; Montana, North Dakota, South Dakota, Utah, and Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is approving revisions to the prevention of