

authority to order paid advertising for use in recruitment, the regulations are amended to delegate such authority to Administration Heads, Assistant Secretaries, Other Key Officials (the General Counsel; the Inspector General; the Chairman, Board of Veterans' Appeals; the Chairman, Board of Contract Appeals; and the Director, Office of Small and Disadvantaged Business Utilization), Deputy Assistant Secretaries, to the deputies of such officials, to the Deputy Assistant Secretary and Associate Deputy Assistant Secretary for Human Resources Management, and to field facility Directors. Also, nonsubstantive changes are made for purposes of clarity.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Gloria C. Oliver, Chief, Recruitment and Examining Division (054E), Employment and Training Service, Office of Human Resources Management, Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 565-8231.

SUPPLEMENTARY INFORMATION: This final rule consists of delegations of authority and nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this 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 rule merely sets forth delegations of authority and nonsubstantive changes.

There is no Catalog of Federal Domestic Assistance program number for this regulation.

List of Subjects in 38 CFR Part 2

Authority delegations (government agencies).

Approved: April 1, 1996.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 2 is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY

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

Authority: 72 Stat. 1114; 38 U.S.C. 501, unless otherwise noted.

2. Section 2.4 is revised to read as follows:

§ 2.4 Delegation of authority to order paid advertising for use in recruitment.

Paid advertisements may be used in recruitment for VA competitive and excepted service positions. Authority to order such advertisements is hereby delegated to Administration Heads, Assistant Secretaries, Other Key Officials (the General Counsel; the Inspector General; the Chairman, Board of Veterans' Appeals; the Chairman, Board of Contract Appeals; and the Director, Office of Small and Disadvantaged Business Utilization), Deputy Assistant Secretaries, to the deputies of such officials, to the Deputy Assistant Secretary and Associate Deputy Assistant Secretary for Human Resources Management, and to field facility Directors.

(Authority: 5 U.S.C. 302(b)(2); 44 U.S.C. 3702)

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38 CFR Part 9

RIN 2900-AH50

Servicemen's and Veterans' Group Life Insurance

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations relating to Servicemen's and Veterans' Group Life Insurance by eliminating provisions that merely restate statutory provisions or that no longer apply to the insurance programs and by rewriting other provisions for purposes of clarification.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs Regional Office and Insurance Center, PO Box 8079, Philadelphia, Pennsylvania 19101, (215) 951-5718.

SUPPLEMENTARY INFORMATION: The Insurance Service of the Veterans Benefits Administration has determined that it is no longer practicable to publish in the Federal Register provisions that merely restate statutory provisions. This is especially evident when one considers the burden involved in keeping such regulatory provisions current with statutory changes. As an illustrative example, consider the previous 38 CFR 9.4, which merely restated the provisions of 38 U.S.C. 1967(a) as they pertain to the amount of life insurance coverage allowable under the Servicemen's Group Life Insurance (SGLI) program. When Congress

established the SGLI program in 1965, it set the maximum coverage available at \$10,000. VA promulgated § 9.4 to reflect this maximum coverage. Section 9.4 was merely informational, but added no real value to the operation of the SGLI program. Since then, Congress has increased the maximum coverage six times, and each time VA has had to amend § 9.4 to reflect the statutory change. If VA had not initially promulgated § 9.4, VA would have avoided a total of seven regulatory submissions and their resultant costs.

Accordingly, all or portions of §§ 9.1, 9.4, 9.5, 9.6, 9.7, 9.8, 9.10, 9.12, 9.14, 9.16, 9.17, 9.18, 9.24, 9.32, 9.34 and 9.36 are eliminated because they merely restate provisions in 38 U.S.C. Chapter 19.

Also, provisions set forth in §§ 9.2(a), 9.2(d)(3), 9.3(a), 9.3(e), 9.5(d), 9.24(a)(1), 9.24(a)(2), and 9.30(a) concern "sunset" requirements that no longer apply to Servicemen's or Veterans' Group Life Insurance. Consequently, these provisions are eliminated.

In addition, §§ 9.2 and 9.3 are combined and rewritten to eliminate redundant text, and amendments are made to other sections for purposes of clarification.

This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice-and-comment and effective-date provisions of 5 U.S.C. 553. Also, this final rule is not a significant revision as defined in FAR 1.501-1.

The Secretary of Veterans Affairs 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, since it does not contain any substantive provisions. This final rule will not significantly affect any entity. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program number for these regulations is 64.103.

List of Subjects in 38 CFR Part 9

Life insurance, Military personnel, Veterans.

Approved: April 29, 1996.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 9 is amended as set forth below:

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

1. The authority citation for part 9 is revised to read as follows:

Authority: 38 U.S.C. 501, 1965–1979, unless otherwise noted.

2. In § 9.1, paragraphs (c), (f), (g), (h), (j), (k), (l), (o), and (s) are removed; paragraphs (i), (m), (n), (p), (q), and (r) are redesignated as paragraphs (c), (f), (g), (h), (i), and (j), respectively; and introductory text is added, and paragraphs (a), (b), (d), and (e) are revised to read as follows:

§ 9.1 Definitions.

The following definitions are in addition to those definitions in 38 U.S.C. 101 and 1965:

(a) The term *policy* means Group Policy No. G-32000, which was effective September 29, 1965, purchased from the insurer pursuant to 38 U.S.C. 1966, executed and attested on December 30, 1965, and amended thereafter.

(b) The term *administrative office* means the Office of Servicemembers' Group Life Insurance located at 213 Washington Street, Newark, NJ 07102.

* * * * *

(d) The term *reinsurer* means any life insurance company meeting all the criteria set forth in § 9.10 which reinsures a portion of the total amount of insurance covered by the policy and issues individual life insurance policies to members under the provisions of 38 U.S.C. 1968(b) and 1977(e).

(e) The term *converter* means any life insurance company meeting all the criteria set forth in § 9.10 which issues individual life insurance policies to members under the provisions of 38 U.S.C. 1968(b) and 1977(e).

* * * * *

3. Section 9.2 is revised to read as follows:

§ 9.2 Effective date; Applications.

(a) The effective date of Servicemen's Group Life Insurance will be as follows:

(1) For members who qualify for continuation of coverage under 38 U.S.C. 1967(a)(3), the effective date shall be the 121st day after termination of duty. An application and the initial premium must be received by the administrative office within 120 days following termination of duty.

(2) For members who qualify for coverage under 38 U.S.C. 1967(a)(3) and whose coverage is extended because of total disability, the effective date shall be the day following the end of the 1-year period of extended coverage or the

day following the end of the total disability, whichever is the earlier date, but in no event before the 121st day following termination of duty. An application and the initial premium must be received by the administrative office within 1 year following termination of duty.

(b) The effective date of Veterans' Group Life Insurance will be as follows:

(1) For members whose Servicemen's Group Life Insurance coverage ceases under 38 U.S.C. 1968(a)(1)(A), the effective date shall be the 121st day after termination of duty. An application and the initial premium must be received by the administrative office within 120 days following termination of duty.

(2) For members whose Servicemen's Group Life Insurance coverage was extended because of total disability, the effective date shall be the day following the end of the 1-year period of extended coverage or the day following the end of the total disability, whichever is the earlier date, but in no event before the 121st day following termination of duty. An application and the initial premium must be received by the administrative office within 1 year following termination of duty.

(3) For members who qualify for coverage under 38 U.S.C. 1967(b), the effective date shall be the 121st day after termination of duty. An application, the initial premium, and proof of disability must be received by the administrative office within 120 days following termination of duty.

(4) For members of the Individual Ready Reserve or the Inactive National Guard, the effective date shall be the date an application and the initial premium are received by the administrative office. The application and initial premium must be received by the administrative office within 120 days of becoming a member of either organization.

(Authority: 38 U.S.C. 1977(e))

(c) If either an application or the initial premium has not been received by the administrative office within the time limits set forth above, Servicemen's Group Life Insurance or Veterans' Group Life Insurance coverage may still be granted if an application, the initial premium, and evidence of insurability are received by the administrative office within 1 year and 120 days following termination of duty.

(d) The effective date for Servicemen's Group Life Insurance or Veterans' Group Life Insurance in any case not otherwise covered under this section or under 38 U.S.C. 1967(a) shall be the date an application and the initial premium are received by the administrative office.

(e) For purposes of this section, an application, an initial premium, and any evidence necessary to effect Servicemen's Group Life Insurance or Veterans' Group Life Insurance coverage will be considered to have been received by the administrative office if:

(1) They are properly addressed to the administrative office, and

(2) The proper postage is affixed, and

(3) They are legibly postmarked within the time limit required for receipt by the administrative office.

§ 9.3 [Removed]

4. Section 9.3 is removed.

§ 9.6 [Redesignated as § 9.3]

5. Section 9.6 is redesignated as § 9.3. In newly redesignated § 9.3, paragraph (b) is removed, and paragraph (c) is redesignated as paragraph (b). Newly redesignated paragraph (b) is amended by removing “, § 9.5(b)(1) or (2),” wherever it appears; and paragraph (b)(3), is amended by removing “paragraph (c)(2)” and adding, in its place, “paragraph (b)(2)”, and by removing “under § 9.5(a)”; and paragraph (a) is revised to read as follows:

§ 9.3 Waiver or reduction of coverage.

(a) Full-time coverage which is in effect will terminate or be reduced at midnight of the last day of the month a member's written notice requesting such termination or reduction is received by his or her uniformed service. In the case of a member paying premiums directly to the administrative office, full-time coverage will terminate or be reduced as of the last day of the month for which the last full premium was paid. Termination or reduction of coverage is effective for the entire remaining period of active duty unless the member reinstates his or her coverage under the provisions of 38 U.S.C. 1967(c). If, following termination of duty, a member reenters duty (in the same or another uniformed service), a waiver or reduction for the previous period of duty will not apply to the subsequent period of duty.

§§ 9.4, 9.5, 9.7, 9.8, 9.10, 9.12, 9.14, 9.17, 9.34, and 9.36 [Removed];

§§ 9.16, 9.18, 9.20, 9.22, 9.24, 9.26, 9.27, 9.28, 9.30 and 9.32 [Redesignated as §§ 9.4 through 9.13]

6. Sections 9.4, 9.5, 9.7, 9.8, 9.10, 9.12, 9.14, 9.17, 9.34, and 9.36 are removed, and §§ 9.16, 9.18, 9.20, 9.22, 9.24, 9.26, 9.27, 9.28, 9.30, and 9.32 are redesignated as §§ 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 9.12, and 9.13, respectively.

7. In newly redesignated § 9.4, paragraphs (a), (c), (d), (f), (h), (i), and (j) are removed; paragraphs (b), (e), and (g) are redesignated as paragraphs (a), (b), and (c), respectively; newly redesignated paragraph (c) is amended by removing "election of optional settlement" and adding, in its place, "settlement option election"; introductory text is added; and newly redesignated paragraph (a) is revised to read as follows:

§ 9.4 Beneficiaries and options.

Any designation of beneficiary or election of settlement options is subject to the provisions of 38 U.S.C. 1970 and 1977 and the following provisions:

(a) Any designation of beneficiary or settlement option election made by any member insured under Servicemen's Group Life Insurance for full-time coverage or part-time coverage will remain in effect until properly changed by the member or canceled automatically for any of the following reasons:

(1) The insurance terminates following separation or release from all duty in a uniformed service.

(2) The member enters on duty in another uniformed service.

(3) The member reenters on duty in the same uniformed service more than 1 calendar day after separation or release from all duty in that uniformed service.

* * * * *

8. In newly redesignated § 9.5, paragraphs (a), (b), (c), and (e) are removed; paragraphs (f), (g), and (h) are redesignated as paragraphs (a), (b), and (c), respectively; introductory text is added, and paragraph (d) is added to read as follows:

§ 9.5 Payment of proceeds.

Proceeds shall be paid in accordance with provisions set forth in 38 U.S.C. 1970 and the following provisions:

* * * * *

(d) If a member whose coverage is extended due to total disability converts the group insurance to an individual policy which is effective before he or she ceases to be totally disabled or before the end of 1 year following termination of duty, whichever is earlier, and dies while group insurance would be in effect, except for such conversion, the group insurance will be payable, provided the individual policy is surrendered for a return of premiums and without further claim. When there is no such surrender, any amount of group insurance in excess of the amount of the individual policy will be payable.

(Authority: 38 U.S.C. 501)

§ 9.7 [Amended]

9. In newly redesignated § 9.7, paragraph (a)(1) is amended by removing "under § 9.5(b)(3)" and adding, in its place, "under 38 U.S.C. 1967(b)", and by removing "under § 9.7(b)". Paragraph (a)(4) is amended by removing "and § 9.34". Paragraph (a)(5) is amended by removing "under § 9.7 (a) and (b)" and adding, in its place, "under 38 U.S.C. 1968". Paragraph (b) is amended by removing "in § 9.34 of this part" and adding, in its place, "under 38 U.S.C. 1973", and by removing "as required by § 9.8(c) of this part" and adding, in its place, "as required under 38 U.S.C. 1967(c)". Paragraph (d) is amended by removing "Chief Benefits Director and/or" and adding, in its place, "Under Secretary for Benefits and".

10. In newly redesignated § 9.8, paragraphs (a), (b), (c), (d), and (e) are removed; paragraphs (f) and (g) are redesignated as paragraphs (a) and (b), respectively; newly redesignated paragraph (a) is amended by removing "§ 9.34,"; and newly redesignated paragraph (b) is amended by removing "under § 9.1(a)(3)" and adding, in its place, "under 38 U.S.C. 1968(a)(4)(B)"; and introductory text is added to read as follows:

§ 9.8 Termination of coverage.

Termination of coverage will be in accordance with the provisions of 38 U.S.C. 1968 and § 9.3 of this part and the following provisions:

* * * * *

11. In newly redesignated § 9.9, paragraphs (a), (a)(1), (a)(3), (b)(1), (b)(2), (b)(3), and (d) are removed; paragraph (a)(2) is redesignated as paragraph (a). Newly redesignated paragraph (a) is amended by removing "§ 9.7(b)" and adding, in its place, "38 U.S.C. 1967(b) or 1968(a)"; and by removing ", in which event the insurance may be converted effective the day after the end of such 120-day period" and adding "" after "duty"; and paragraph (b) is revised to read as follows:

§ 9.9 Conversion privilege.

* * * * *

(b) The individual policy of life insurance to which an insured may convert under 38 U.S.C. 1968(b) or 1977(e) shall not have disability or other supplementary benefits and shall not be term insurance or any policy which does not provide for cash values. Term riders providing level or decreasing insurance for which an additional premium is charged may be attached to an eligible basic conversion policy, but the rider will be excluded from the

conversion pool agreement under the policy.

* * * * *

12. In newly redesignated § 9.12, paragraph (a) is removed, and paragraphs (b), (c), and (d) are redesignated as paragraphs (a), (b), and (c), respectively. Newly redesignated paragraph (a), is amended by removing "of the remaining balance", and by removing "on December 31, 1964,"; newly redesignated paragraph (b) is amended by removing "paragraph (b)" and adding, in its place, "paragraph (a)"; newly redesignated paragraph (c) is amended by removing "§ 9.28" and adding, in its place, "§ 9.11"; and the introductory text is revised to read as follows:

§ 9.12 Reinsurance formula.

The allocation of insurance to the insurer and each reinsurer will be based upon the following:

* * * * *

§ 9.13 [Amended]

12. In newly redesignated § 9.13, the first sentence is removed.

[FR Doc. 96-11157 Filed 5-3-96; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 162-2-0002a FRL-5466-1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following districts: San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Santa Barbara County Air Pollution Control District (SBCAPCD), and South Coast Air Quality Management District (SCAQMD). 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