

examiner. The recommended decision of the hearing examiner is reviewed by the executive hearing examiner, and the Commission is presented with a panel recommendation pursuant to 28 CFR 2.23. The same procedure is now extended to special transferee hearings.

The Commission originally decided to require panel-conducted hearings for transfer treaty prisoners because of the complexity of sentencing guideline issues and the absence of any statutorily-authorized administrative remedy procedure. The determination of the Commission becomes subject to direct appeal to a United States Court of Appeals pursuant to 18 U.S.C. 4106A(b)(2)(A). However, the Commission has improved its pre-hearing assessment procedure, and has added a review by its Office of General Counsel before each case is submitted to the Commission for decision. These additional safeguards have reduced the possibility of error which diminishes the need for two hearing examiners to conduct each hearing. Moreover, the Commission anticipates a severely reduced Congressional appropriation for Fiscal Year 1997, and it can no longer afford to send panels of hearing examiners to conduct each special transferee hearing. With the additional safeguards described above, the Commission believes that the hearing and decision making process for transfer treaty prisoners will continue to be as error-free as possible.

Implementation

This procedural rule change will apply to all special transferee hearings conducted on or after the effective date shown 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, accordingly, 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 changes 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).

§ 2.62 [Amended]

(2) Section 2.62 is amended by substituting "a hearing examiner" for "a panel of examiners" in paragraph (h), introductory text; by substituting "The examiner" for "The examiner panel" in paragraph (h)(1) introductory text; by substituting "The examiner" for "The examiner panel" in paragraph (h)(5).

(3) Section § 2.62(h)(6) is revised to read as follows:

§ 2.62 Prisoners transferred pursuant to treaty.

* * * * *

(h) Hearing procedures. * * *

(6) The transferee shall be notified of the examiner's recommending findings of fact, and the examiner's recommended determination and reasons therefore, at the conclusion at the hearing. The case shall thereafter be reviewed by the Executive Hearing Examiner pursuant to § 2.23, and the Commission shall make its determination upon a panel recommendation.

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Dated: July 12, 1996.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AH75

Part-Time Career Employment Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) pursuant to 5 U.S.C. 3402 is required to maintain a program for part-time career employment within VA. VA has established regulations concerning this mandate (38 CFR 1.891 through 1.897). These regulations currently require field stations to provide a manual report to VA Central Office semiannually containing information concerning the number of part-time permanent positions established during the reporting period and the number of conversions from full-time to part-time. The purpose of the report is to monitor progress in attaining part-time career employment

goals. This requirement for field stations to provide a semiannual report is deleted since the same information is available through the automated personnel system. The part-time career employment program will be reviewed through regular employment reports to determine levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews. The authority citation is also changed to state the correct citation.

EFFECTIVE DATE: July 25, 1996.

FOR FURTHER INFORMATION CONTACT:

Ellen Kollar, Title 5 Staffing Division (054C), Employment and Training Service, Office of Human Resources Management, Office of Human Resources and Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-9748.

SUPPLEMENTARY INFORMATION:

Administrative Procedure Act

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.

Regulatory Flexibility Act

The Secretary 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 rule sets forth nonsubstantive changes. 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.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Investigations, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Approved: July 17, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below:

PART 1—GENERAL PROVISIONS

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

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

2. In § 1.891, the authority citation is revised to read as follows:

§ 1.891 Purpose of program.

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(Authority: 5 U.S.C. 3401 note)

3. In §§ 1.892 through 1.894, the authority citations are revised to read as follows:

§ 1.892 Review of positions.

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(Authority: 5 U.S.C. 3402)

§ 1.893 Establishing and converting part-time positions.

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(Authority: 5 U.S.C. 3402)

§ 1.894 Annual goals and time tables.

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(Authority: 5 U.S.C. 3402)

4. Section 1.895 is revised to read as follows:

§ 1.895 Review and evaluation.

The part-time career employment program will be reviewed through regular employment reports to determine levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews.

(Authority: 5 U.S.C. 3402)

5. In §§ 1.896 and 1.897, the authority citations are revised to read as follows:

§ 1.896 Publicizing vacancies.

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(Authority: 5 U.S.C. 3402)

§ 1.897 Exceptions.

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(Authority: 5 U.S.C. 3402)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 42

[CA 057-0009a; FRL-5527-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, Placer County Air Pollution Control District, Ventura County Air Pollution Control District, and San Joaquin Valley Unified Air Pollution Control 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 (SIP). The revisions concern rules from the following Districts: Kern County Air Pollution Control District (KNCAPCD), Placer County Air Pollution Control District (PLCAPCD), Ventura County Air Pollution Control District (VTCAPCD), and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). 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). The revised rules control VOC emissions from surface coating of metal parts and products, semiconductor manufacturing, fugitive emissions of reactive organic compounds (ROC) at petroleum refineries and chemical plants, polyester resin material operations, and decontamination of soil. Thus, EPA is finalizing the approval of these revisions 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.

DATES: This action is effective on September 23, 1996 unless adverse or critical comments are received by August 26, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions 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 rule revisions 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
 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 92123-1095
 Kern County Air Pollution Control District, 2700 "M" Street, Suite 290, Bakersfield, CA 93301
 Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603
 Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003
 San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Chief, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: KNCAPCD's Rule 410.4, Surface Coating of Metal Parts and Products; PLCAPCD's Rule 244, Semiconductor Manufacturing Operations; VTCAPCD's Rules 74.7, Fugitive Emissions of Reactive Organic Compounds (ROC) at Petroleum Refineries and Chemical Plants, and 74.14, Polyester Resin Material Operations; and SJVUAPCD's Rule 4651, Volatile Organic Compound Emissions from Decontamination of Soil. These rules were submitted by the California Air Resources Board (CARB) to EPA on May 25, 1995 (410.4), May 24, 1995 (244), March 26, 1996 (74.7), September 14, 1992 (74.14), and December 22, 1994 (4651).

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the San Joaquin Valley Air Basin, Ventura County and the Sacramento Metro Area, which includes a portion of Placer County. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain