

The revisions and addition read as follows:

§ 21.5820 Educational assistance.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(C) Adding the two results. If the enrollment period is as long as 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) * * *

(ii) * * *

(C) Adding the two results. If the enrollment period is as long as 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

* * * * *

(Authority: 10 U.S.C. 2143, 2145)

* * * * *

3. Section 21.5822 is amended by:

A. In paragraph (b)(1)(i), removing “\$812” and adding, in its place, “\$844”; and by removing “1998–99” and adding, in its place, “1999–2000”.

B. In paragraph (b)(1)(ii), removing “\$406” and adding, in its place, “\$422”; and by removing “1998–99” and adding, in its place, “1999–2000”.

C. In paragraph (b)(2)(i), removing “1998–99” and adding, in its place, “1999–2000”; and by removing “\$812” and adding, in its place, “\$844”.

D. In paragraph (b)(2)(ii), removing “1998–99” and adding, in its place, “1999–2000”; and by removing “\$406” and adding, in its place, “\$422”.

E. Removing the authority citation at the end of paragraph (b)(1)(ii).

F. Revising the authority citation at the end of paragraph (b)(2)(ii).

The revision reads as follows:

§ 21.5822 Subsistence allowance.

* * * * *

(Authority: 10 U.S.C. 2144, 2145)

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[FR Doc. 00–6216 Filed 3–13–00; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 200–0217; FRL–6550–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). These revisions concern the New Source Review requirements and the methodology for calculating facility allocations for oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) for sources subject to the Regional Clean Air Incentives Market (RECLAIM) program in the SCAQMD. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate the construction and modification of stationary sources and the calculation of RECLAIM facility allocations in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). 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 permitting in nonattainment areas.

DATES: This rule is effective on April 28, 2000 without further notice, unless EPA receives adverse comments by March 29, 2000. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions and of 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 also available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;

Environmental Protection Agency, Air Docket (6102), 401 “M” Street, SW, Washington, DC 20460;

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 “L” Street, Sacramento, CA 95812;

South Coast Air Quality Management District 21865 E. Copley Drive Diamond Bar, CA 91765–4182.

FOR FURTHER INFORMATION CONTACT: Thomas C. Canaday, Rulemaking Office (AIR–4), Air Division, U.S.

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1202.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: South Coast Air Quality Management District (SCAQMD) Rule 2002—Allocations for Oxides of Nitrogen (NO_x) and Oxides of Sulfur (SO_x), and Rule 2005—New Source Review for RECLAIM. These rules were submitted by the California Air Resources Board (CARB) to EPA on August 22, 1997, and July 23, 1999, respectively. Rule 2002 establishes the methodology for calculating initial facility allocations for NO_x and SO_x sources subject to the requirements of the RECLAIM program. Rule 2005 sets forth the preconstruction review requirements for new facilities subject to the requirements of the RECLAIM program, for modifications to RECLAIM facilities, and for facilities that increase their allocations to a level greater than their starting allocation plus non-tradable credits.

II. Background

Rule 2002 was initially adopted by the South Coast Air Quality Management District Board on October 15, 1993 and approved by EPA into the California SIP on November 8, 1996 (61 FR 57775). The SCAQMD Board amended Rule 2002 on December 7, 1995; July 12, 1996 and February 14, 1997. All of the above versions of Rule 2002 have been submitted to EPA for SIP approval. On June 15, 1998, EPA approved the December 7, 1995 version of Rule 2002 into the California SIP (63 FR 32621). Today EPA is taking action on the February 14, 1997 version of Rule 2002.

Rule 2005 was also initially adopted by the South Coast Air Quality Management District Board on October 15, 1993 and approved by EPA into the California SIP on November 8, 1996 (61 FR 57775). The SCAQMD Board adopted revisions to Rule 2005 on December 7, 1995; May 10, 1996; July 12, 1996; February 14, 1997 and most recently, April 9, 1999. All of the above versions of Rule 2005 have been submitted to EPA for SIP approval, except the December 7, 1995 version. On June 15, 1998, EPA approved the May 10, 1996 version of Rule 2005 into the California SIP (63 FR 32621). Today EPA is taking action on the April 9, 1999 version of Rule 2005.

We evaluated Rules 2002 and 2005 for consistency with the CAA, EPA regulations, and EPA policy. We have

found that the revisions made to Rules 2002 and 2005 meet the applicable EPA requirements.

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA or the Act) were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO_x emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a proposed rule entitled "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO_x Supplement) which describes the requirements of section 182(f). The NO_x supplement should be referred to for further information on the NO_x requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The South Coast Air Quality Management District is classified as extreme;¹ therefore this area was subject to the RACT requirements of section 182(b)(2), cited below, and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_x) emissions (not covered by a pre-enactment control techniques guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_x CTGs issued before enactment and EPA has not issued a CTG document for any NO_x sources since enactment of the CAA. The RACT rules covering NO_x sources and submitted as SIP revisions are expected to require final installation of the actual NO_x controls as expeditiously as practicable, but no later than May 31, 1995.

NO_x emissions contribute to the production of ground level ozone and smog. The subject rules were adopted as part of SCAQMD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The

following is EPA's evaluation and final action for these rules.

III. EPA Evaluation and Action

On June 15, 1998, EPA approved into the SIP a version of Rule 2002—Allocations for Oxides of Nitrogen (NO_x) and Oxides of Sulfur (SO_x) that had been adopted by SCAQMD on December 7, 1995. Revisions to this rule were subsequently adopted by SCAQMD on July 12, 1996 and February 14, 1997 and submitted to EPA. While EPA can only act on the most recently submitted version, EPA reviewed relevant materials associated with superseded versions.

SCAQMD submitted Rule 2002—Allocations for Oxides of Nitrogen (NO_x) and Oxides of Sulfur (SO_x) was revised to clarify that the SCAQMD is not required to print out the entire Facility Permit when the Facility Permit is reissued to reflect necessary updates. Only updated sections of the reissued Facility Permit need be printed out at the beginning of each compliance year. Language has also been added to Rule 2002 that stipulates that the annually reissued permit shall list a facility's initial starting allocation, starting Non-Tradable Credits (NTC), and the facility's allocations as well as any RECLAIM Trading Credits (RTCs) obtained pursuant to SCAQMD Rule 2007 for the next fifteen years. Rule 2002 language has also been modified to replace incorrect emissions factors or to add emissions factors for some source categories. These source categories include fluid catalytic cracking units (FCCUs), delacquering furnaces, pot furnaces, new and/or modified boilers, and exempted internal combustion engines (ICEs). Unnecessary emissions factors have been removed from Rule 2002 for the following categories: ICE Large Bore Engines, Reported Value, Waste Gas Flare, Facility Surveyed Emissions Inventory, Petroleum Refining, and Petroleum Refining Blowdown Systems. Finally, language has been added to Rule 2002 so that the year 2003 allocation level will continue for years subsequent to 2010. A more detailed discussion of these modifications to Rule 2002 can be found in the Technical Support Document (TSD) for Rule 2002 dated January 10, 2000.

On June 15, 1998, EPA approved into the SIP a version of Rule 2005—New Source Review for RECLAIM that had been adopted by SCAQMD on May 10, 1996. Revisions to this rule were subsequently adopted by the SCAQMD Board on July 12, 1996, February 14, 1997, and April 9, 1999 and submitted to EPA. While EPA can only act on the

most recently submitted version, EPA reviewed relevant materials associated with superseded versions.

SCAQMD submitted Rule 2005—New Source Review for RECLAIM was revised to clarify New Source Review requirements for a change of operator, and to clarify that the current requirements for modifications to existing facilities include modifications to facilities that received all permits to construct after January 1, 1994. A more detailed discussion of these modifications to Rule 2005 can be found in the Technical Support Document (TSD) for Rule 2005 dated January 10, 2000.

In determining the approvability of a NO_x rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.² Among these provisions is the requirement that a NO_x rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_x emissions.

For the purposes of assisting State and local agencies in developing NO_x RACT rules, EPA prepared the NO_x Supplement to the General Preamble, cited above (57 FR 55620). In the NO_x Supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_x emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_x (see section 4.5 of the NO_x Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for categories of stationary sources of NO_x. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_x. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary

¹The South Coast Air Quality Management District retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

²Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to appendix D of November 24, 1987 Federal Register document" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988).

sources of NO_x. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_x RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

EPA has evaluated the submitted rules and has determined that the revisions made to these rules are consistent with the CAA, EPA regulations and EPA policy. Therefore, South Coast Air Quality Management District's Rules 2002 and 2005 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_x Supplement to the General Preamble.

EPA is publishing these rules without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions should adverse comments be filed. These rules will be effective April 28, 2000 without further notice unless the Agency receives adverse comments by March 29, 2000.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rules commented on will not take effect. All public comments received will then be addressed in subsequent final rules based on the proposed rules. The EPA will not institute a second comment period on these rules. Any parties interested in commenting on these rules should do so at this time. If no such comments are received, the public is advised that these rules will be effective on April 28, 2000 and no further action will be taken on the proposed rules.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or

EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of

Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to

State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference,

Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Dated: January 21, 2000.

Laura Yoshii,

Deputy Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(268) and (271) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(268) New and amended regulations for the following agencies were submitted on July 23, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 2005 adopted on April 9, 1999.

* * * * *

(271) New and amended regulations for the following agencies were submitted on August 22, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 2002 adopted on February 14, 1997.

* * * * *

[FR Doc. 00-6094 Filed 3-13-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6560-3]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Jacksonville Municipal Landfill Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA)

Region 6 announces the deletion of the Jacksonville Municipal Landfill Superfund Site ("the Site") from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The EPA and the State of Arkansas Department of Environmental Quality (ADEQ), have determined that the remedial action for the Site has been successfully completed and that no further action is warranted.

EFFECTIVE DATE: March 14, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Aisling, Remedial Project Manager, U.S. EPA (6SF-LT), 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8509 or 1-800-533-3508, aisling.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Jacksonville Municipal Landfill Site, Jacksonville, Arkansas.

A Notice of Intent to Delete for this site was published in the **Federal Register** on November 9, 1999 (60 FR 15737). The closing date for comments on the Notice of Intent to Delete was January 9, 2000. EPA received no comments.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed remedial actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 28, 2000.

Jerry Clifford,

Deputy Regional Administrator, Region 6.

For the reasons set out in the Preamble, 40 CFR part 300 is amended as follows: