outstanding claims held by United States nationals against the Government of North Korea or any North Korean government entity.

(b) *Who must report.* A report must be submitted by each U.S. national having a claim outstanding against the Government of North Korea or any North Korean government entity. Reports should be submitted only by persons who were U.S. citizens or entities organized under the laws of a U.S. jurisdiction on the date of the loss.

(c) *How to register.* U.S. nationals filing reports of claims must submit a letter containing the information required by paragraph (f) of this section. The letter must be sent to the Blocked Assets Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Ave., NW—Annex, Washington, DC 20220, to arrive by March 9, 1998. A copy of the submission should be kept by the claimant.

(d) *Certification.* Every report shall bear the signature of the claimant or a person authorized by the claimant to sign the report. The signature will certify that, to the best of the reporter's knowledge, the statements set forth in the report, including any papers attached to or filed with the report, are true and accurate, and that all material facts in connection with the report have been set forth.

(e) *Confidentiality of reports.* Reports submitted pursuant to this section are regarded as privileged and confidential.

(f) *Contents of report.* The report must contain the following information (with responses numbered to correspond with the numbers used below):

(1) Identification of claimant.

(i) Claimant's Legal Name.

(ii) Claimant's Address.

(iii) Telephone number of individual to contact regarding the report.

(iv) If claimant is a naturalized citizen of the United States, state the place and date of naturalization.

(v) If claimant is a corporation or business, state the place of incorporation and principal place of business.

(2) Information concerning claim.

(i) Amount of loss in U.S. dollars (indicate exchange or interest rates and relevant dates utilized for any currency translation or interest calculation).

(ii) Describe the circumstances of the loss. Include the date of the loss and a description of the property, business, obligation, injury or other damage which is the subject of the claim.

(g) *Definition of United States national.* For purposes of this section, the term *United States national* or *U.S. national* means:

(1) An individual who is a citizen of the United States;

(2) An individual who, though not a citizen of the United States, owes permanent allegiance to the United States, and is not an alien; or

(3) A partnership, corporation, or other juridical entity organized under the laws of the United States or any jurisdiction within the United States.

(h) *Definition of the Government of North Korea; North Korean government entity.* For purposes of this section:

(1) The term *Government of North Korea* means the government of the territory of Korea north of the 38th parallel of north latitude, as well as any political subdivision, agency, or instrumentality thereof, or any territory, dependency, colony, protectorate, mandate, dominion, possession, or place subject to the jurisdiction thereof as of the ''effective date.''

(2) The term *North Korean government entity* means any corporation, partnership, or association, or other organization, wherever organized or doing business, that is owned or controlled by the Government of North Korea.

Subpart I—Miscellaneous Provisions

3. Section 500.901 is amended by adding a sentence to the end thereof to read as follows:

§ 500.901 Paperwork Reduction Act notice.

* * * The information collection requirement in § 500.602 has been approved by the Office of Management and Budget and assigned control number 1505–0160.

Dated: November 10, 1997.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: November 19, 1997.

James E. Johnson,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 97–32094 Filed 12-3-97; 3:54 pm]

BILLING CODE 4810–25–F

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AI60

Guidelines for Furnishing Sensori-neural Aids (e.g., Eyeglasses, Contact Lenses, Hearing Aids)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document affirms the Department of Veterans Affairs (VA) medical regulations concerning when VA will furnish veterans with sensori-neural aids (e.g., eyeglasses, contact lenses, hearing aids), which implement a requirement imposed in the Veteran's Health Care Eligibility Reform Act of 1996, Public Law 104–262.

DATES: Effective Date: This final rule is effective December 9, 1997.

FOR FURTHER INFORMATION CONTACT: Frederick Downs, Jr., Chief Consultant, Prosthetics and Sensory Aids Service Strategic Healthcare Group (113), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–8515.

SUPPLEMENTARY INFORMATION: On June 3, 1997, VA published in the **Federal Register** an interim final rule with request for comments (62 FR 30240). This added a new section (17.149, 38 CFR part 17). A 60-day comment period ended August 4, 1997, and one comment was received. However, that comment dealt with resources rather than substantive content of the interim final rule.

Based on the rationale set forth in the interim final rule document, we are adopting the provisions of the interim final rule as a final rule without change. This final rule also affirms the information in the interim final rule document concerning the Regulatory Flexibility Act.

Approved: December 1, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

[FR Doc. 97–32106 Filed 12–8–97; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA042–4065; FRL–5925–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania New Source Review and Emissions Registry Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting limited approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision requires major new and modified sources of volatile organic compounds (VOCs), nitrogen oxides (NO_X), particulate matter (PM), particulate matter with an aerodynamic diameter of less than 10 microns (PM–

10), PM–10 precursors, sulfur oxides (SO_X), carbon monoxide (CO), or lead (Pb) to meet certain new source review (NSR) permitting requirements if they are proposing to locate in a designated nonattainment area. These requirements also apply to major new and modified sources of VOC and NO_X proposing to locate in the ozone transport region (OTR). The intended effect of this action is to grant limited approval of Pennsylvania's NSR requirements.

EFFECTIVE DATE: This final rule is effective on January 8, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink (3AT00), (215) 566–2104.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 1997 (62 FR 24060), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed limited approval of Pennsylvania's NSR requirements for major new and modified sources locating in areas designated nonattainment for a given pollutant, and, in the case of VOC or NO_X sources, if they are being located in the OTR. The formal SIP revision submittal, which was submitted by Pennsylvania on February 4, 1994, also included associated new definitions and revisions to existing definitions, emissions banking requirements, and procedures for an emissions reductions credit (ERC) registry. The definitions are codified in section 121.1 of Pennsylvania's air pollution control regulations. The NSR, emissions banking and ERC registry provisions are codified in Sections 127.201 through 127.217 of Pennsylvania's air pollution control regulations, and replace the existing SIP provisions, which were codified at Section 127.61 through 127.73. A description of Pennsylvania's revised NSR and emissions banking and ERC registry requirements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. This action is being taken pursuant to section 110 of the Clean Air Act.

Public Comments Received and EPA's Responses

During the public comment period following publication of the NPR, EPA received three public comments from interested parties. A summary of those comments and EPA responses is provided below.

Comment 1: The first commenter agrees with EPA's proposed rulemaking action, particularly to the extent it supports the use of ''shutdown'' credits for new source offsets.

EPA's Response: None required.

Comment 2: The second commenter, Duquesne Light Company (Duquesne), an electric utility that serves the greater Pittsburgh area, takes issue with EPA's proposed limited approval action and contends that EPA must take limited approval/limited disapproval action so that the Pennsylvania Department of Environmental Protection (PADEP) may correct deficiencies in its rule which render it more stringent than federal requirements for NSR promulgated under the Clean Air Act. Duquesne argues that because PADEP has not adopted the federal definition of ''actual emissions,'' its regulation is, de facto, more stringent with regard to NSR-related baselines, particularly those associated with creating emission reduction credits (ERCs) for use as emission offsets. Duquesne asserts that Pennsylvania's de facto approach to defining actual emissions cannot be characterized as an alternative wording that is at least as stringent as EPA's definitions because PADEP's approach is, in effect, more stringent than the EPA's definitions. Duquesne comments that, under Pennsylvania law, PADEP is not allowed to make such a ''more stringent'' demonstration for its NSR program. Duquesne references section 4.2 of the Pennsylvania Air Pollution Control Act (APCA) and argues that it mandates that PADEP's regulations ''* * * shall be no more stringent than those required by the federal Clean Air Act,'' unless the Pennsylvania Environmental Quality Board (PA EQB) has made a determination that such regulations are ''reasonably necessary'' to exceed minimum Clean Air Act requirements. Duquesne contends that the PA EQB has not made the required determination for PADEP's NSR regulations.

EPA's Response: EPA disagrees with this commenter that because Pennsylvania has not adopted the federal definition of ''actual emissions,'' EPA must take limited approval/limited disapproval action on the NSR SIP revision. The Clean Air Act requires that states adopt, for inclusion into the SIP, permitting requirements for the construction and modification of new major sources and major modifications in nonattainment areas (and for major sources and major modifications of VOC and NO_X in the OTR). Federal rules generally require that the SIP include legally enforceable procedures to determine whether the construction and modification of any facility, building, structure, or installation, or combination of these will result in a violation of applicable portions of the control strategy; or interfere with attainment or maintenance of a national standard in the State in which the proposed source or modification is located or in a neighboring State. Such SIP provisions must include the means by which a State or local agency responsible for final decision making on applications for approval to construct or modify will prevent such construction and modification if it would result in either of the two situations described above. EPA has determined that Pennsylvania's NSR-related definitions and NSR-related regulations, as a whole, are designed to be consistent with the tenets used in the design of the relevant and required attainment plans and their associated control strategies. EPA also disagrees that PADEP's NSR regulations must be revised because they are, de facto, more stringent than federal NSR requirements. EPA notes that the federal NSR regulations that apply to this action do provide that a State's NSR program may be more stringent than federal requirements. Consequently, a comment that a SIP revision is more stringent that the federal minimum requirements generally is not a basis for EPA to disapprove the revision.

EPA has determined pursuant to Section 110(a)(2)(E) of the Clean Air Act and 40 CFR section 51, Appendix V, that Pennsylvania has provided the necessary assurances that it has adequate authority to implement the SIP revision and that it has followed all of the procedural requirements of Pennsylvania laws and constitution in adopting the submittal.[1]

Section 4.2 of Pennsylvania's APCA (35 P.S. 4004.2) provides, in pertinent part:

(b) Control measures or other requirements adopted under subsection (a) of this section shall be no more stringent than those required by the federal Clean Air Act unless

[1] See, letter from Thomas J. Maslany, Director, Air, Radiation and Toxics Division, USEPA, to Arthur A. Davis, Secretary, Department of Environmental Resources, dated February 28, 1994.

authorized or required under this act or specifically required by the Clean Air Act. This requirement shall not apply if the [Environmental Quality Board] determines that it is reasonably necessary for a control measure or other requirement to exceed minimum Clean Air Act requirements in order for the Commonwealth:

(1) to achieve and maintain the ambient air quality standards, * * *

The issue of whether Pennsylvania's NSR regulations exceeded the requirements of the Clean Air Act and therefore was prohibited by the APCA was raised during Pennsylvania's public comment period. The PA EQB, in its response to comments, stated that the final regulations comply with the requirements of section 4.2 of the APCA. (See, Pennsylvania Bulletin 443, 447, January 15, 1994)

Duquesne also asserts that the Pennsylvania EQB has not determined in accordance with subsection (b) of section 4.2 of the APCA that the NSR regulations at issue are ''reasonably necessary'' to ''exceed minimum Clean Air Act requirements'' (footnote 1 on page four of Duquesne's May 29, 1997 comment letter). Duquesne's assertion is incorrect as shown by the express findings of the PA EQB contained in the Board Order adopting the regulations. The PA EQB Order approving the NSR regulations specifically provides:

The EQB finds that:

(4) These regulations are necessary for the Commonwealth to achieve and maintain ambient air quality standards . . . (Pennsylvania Bulletin 443,458 January 15, 1994 which was part of PADEP's February 4, 1994 SIP revision submission).

Consequently, EPA believes that the PA EQB has made the requisite finding for the adoption of rules and regulations more stringent than those required by the Clean Air Act.

Comment 3: The third commenter, Eichleay Environmental, a Division of Eichleay Engineers Inc. (Eichleay), neither specifically agrees nor disagrees with EPA's proposed action. Rather Eichleay states that EPA's limited approval of Pennsylvania's SIP revision suggests ''begrudging agreement'' with Pennsylvania's ERC program. Eichleay states its belief that ''Pennsylvania's program is, if anything, too restrictive.'' Eichleay provides several suggestions for preserving the value and longevity of ERCs which would require changes to Pennsylvania's regulations.

EPA's Response: EPA disagrees with the commenter that the proposed limited approval action suggests EPA's ''begrudging agreement'' with Pennsylvania's ERC program or any other provision of PADEP's NSR SIP submittal. EPA's rationale for its proposed limited approval of the Pennsylvania NSR SIP revision is articulated clearly in the notice of proposed rulemaking. EPA's rationale is based entirely upon its review of Pennsylvania's regulations and their conformance with federal NSR requirements. As noted above, Eichleay's comments on EPA's notice of proposed rulemaking included suggestions for changes to Pennsylvania's NSR regulations. Under the Clean Air Act, EPA is limited to taking action on SIP revision requests as submitted by the Governor or his designee, and has no authority to unilaterally modify state regulations via the SIP approval process.

Final Action

EPA is granting limited approval to Pennsylvania's revised NSR and emissions banking and ERC registry provisions, as well as the associated definitions of terms, submitted by PADEP on February 4, 1994 as a revision to the Pennsylvania SIP. The revised provisions strengthen the SIP and meets the NSR requirements of the Clean Air Act. Accordingly, this action revises 40 CFR section 52.2020 by adding paragraph (c)(107) to reflect EPA's approval action. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301, 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 impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected. 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).

C. 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 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 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. 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 February 9, 1998. 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 granting limited approval of Pennsylvania's NSR-related regulations including its provisions for emissions banking and an ERC registry 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, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: November 7, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

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 NN—Pennsylvania

2. Section 52.2020 amended by adding paragraphs (c)(107) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(107) Revisions to the Pennsylvania Regulations, Chapter 127 by the Pennsylvania Department of Environmental Protection

(i) Incorporation by reference.

(A) Letter of February 4, 1994 from the Pennsylvania Department of Environmental Protection transmitting revisions to the New Source Review Provisions.

(B) Revisions to the following Pennsylvania Department of Environmental Quality Regulations, effective January 15, 1994:

(1) Addition of Chapter 127, Subchapter E, New Source Review, Sections 127.201 through 127.217 inclusive, effective January 15, 1994.

(2) Deletion of Chapter 127, Subchapter C, Sections 127.61 through 127.73.

(ii) Additional materials consisting of the remainder of the February 4, 1994 State submittal pertaining to Chapter 127, Subchapter E.

[FR Doc. 97–32189 Filed 12–8–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IN77–2; FRL–5933–3]

Approval and Promulgation of Air Quality Implementation Plans, and Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve an ozone maintenance plan submitted as a State Implementation Plan (SIP) revision request and a redesignation request submitted by the State of Indiana for the purpose of redesignating Vanderburgh County (Evansville) from marginal nonattainment to attainment of the one-hour ozone national ambient air quality standard. Besides being based on information contained in the State's redesignation request, the approval of this redesignation request is also based on review of the ozone data for this area over the three most recent years, 1995 through 1997. EPA finds the State's maintenance plan and redesignation request to be acceptable and notes that, based on the most recent three years of ozone data, the area is currently attaining the one-hour ozone standard. This action does not address the area's attainment of the recently promulgated eight-hour ozone standard, which will be addressed in future rulemaking.

DATES: This action is effective December 9, 1997.

ADDRESSES: Copies of the State's redesignation request and maintenance plan, EPA's analyses (technical support documents and proposed and final rulemakings), and public comments on EPA's proposed rulemaking are available for inspection at the following address:

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Edward Doty at (312) 886–6057 before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: Edward Doty at (312) 886–6057.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, codified at 42 U.S.C. 7401–7671q. Pursuant to section 107(d)(4)(A) of the Clean Air Act (CAA or the Act), Vanderburgh County, Indiana was designated as nonattainment for the one-hour ozone standard and was classified as marginal (see 56 FR 56694 (November 6, 1991)).

The Indiana Department of Environmental Management (IDEM) submitted an ozone redesignation request and maintenance plan as a SIP revision for Vanderburgh County on November 4, 1993. On July 8, 1994 (59 FR 35044), EPA published a direct final rulemaking approving the redesignation of Vanderburgh County to attainment of the ozone standard. On the same day, a proposed rulemaking was also published in the **Federal Register** which established a 30-day public comment period for the redesignation approval and noted that, if adverse comments were received regarding the final rulemaking, EPA would withdraw the direct final rulemaking and would address the comments through a revised final rulemaking. EPA received adverse comments, and published a withdrawal of the direct final rulemaking on August 26, 1994 (59 FR 44040).

Subsequent to the July 8, 1994 direct final rulemaking, EPA was informed by IDEM that a possible violation of the ozone standard had been monitored at a privately-operated industrial site owned by the Aluminum Corporation of America (Alcoa) in Warrick County. Warrick County (designated as attainment for ozone) adjoins Vanderburgh County to the east. Because Warrick County can be considered to be a nearby area downwind of Vanderburgh County on certain days, EPA questioned whether the monitored violation in Warrick County should be considered in any subsequent rulemaking on the redesignation of Vanderburgh County. IDEM indicated its intent to investigate the high ozone values and requested that EPA not act on the redesignation request pending the outcome of that technical investigation. IDEM completed its investigation and submitted the results to the EPA on June 5, 1995. IDEM's investigation concluded that the Alcoa peak ozone concentrations were unusual during the period of the monitored ozone standard violation, were biased high (relative to peak ozone concentrations at other area monitoring sites during the May through June, 1994 time period), and were not