

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553))

Signed at Washington, D.C. this 8th day of Aug. 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-32089 Filed 8-11-83; 8:45 am]

BILLING CODE: 4510-26-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Post-Vietnam Era Veterans' Educational Assistance Program; Basic Eligibility Criteria; Refund of Participant's Contributions

AGENCIES: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: These regulations, issued jointly by the Veterans Administration and Department of Defense, are designed to implement these provisions of the Veterans' Disability Compensation, Housing and Memorial Benefits Amendments of 1981 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). They make the eligibility criteria for this program more restrictive. These regulations implement the applicable provisions of this law.

EFFECTIVE DATE: October 17, 1981.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420, (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 9309 through 9311 of the Federal Register of March 4, 1983, there was published a notice of intent to amend part 21 to implement some provisions of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981.

Interested people were given 30 days in which to submit comments, suggestions or objections. The Veterans Administration and the Department of Defense received one letter containing many comments.

The letter writer suggested expanding 38 CFR 21.5040(a) to discuss the character of discharge a veteran must have in order to be basically eligible for VEAP. The Veterans Administration

and the Department of Defense have not accepted this suggestion.

Section 21.5040(a) is introductory. The character of the veteran's discharge is discussed in § 21.5040(b)(iii). Consequently, there is no need for a lengthy discussion in § 21.5040(a).

The writer suggested changing the heading of § 21.5040(b) to indicate that it does not apply to veterans who had enlisted.

The law applies the requirements listed in § 21.5040(b) to everyone who is attempting to establish basic eligibility to VEAP, including those who formerly were enlisted persons. Since legislation would be necessary before the Veterans Administration and the Department of Defense could exempt former enlisted persons from the provisions of this paragraph, the suggestion was not accepted.

The writer also suggested that it would be more appropriate to use § 21.5040(b)(iii) as a subdivision of § 21.5040(b)(ii) rather than § 21.5040(b). The Veterans Administration and the Department of Defense have not accepted this suggestion.

All veterans must meet the character of discharge requirement in order to establish basic eligibility to VEAP. It is proper therefore, to make § 21.5040(b)(iii) a subdivision of § 21.5040(b) instead of § 21.5040(b)(ii).

The writer suggested modifying § 21.5040(c) so that it would not apply to former enlisted persons. This suggestion is contrary to the statute which supports this paragraph.

Pub. L. 97-66 not only does not contain an exception for former enlisted persons, but it makes quite clear that the additional service requirements contained in § 21.5040(c) apply to enlisted persons unless they qualify for one of the exceptions in § 21.5040(d). Consequently, the Veterans Administration and Department of Defense were unable to accept this suggestion.

The commenter stated that § 21.5040(d) properly clarified § 21.5040(c).

The writer stated that the sequence of dates in § 21.5040(e) was not clear. Due to a printing error the word "before" was omitted from the first sentence of this paragraph. The paragraph now is correct.

The Veterans Administration and the Department of Defense have determined that these regulations contain no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than \$100 million. They will not result in any major

increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans Affairs and the Secretary of Defense hereby certify that these regulations, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these regulations therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

These regulations will affect only individual Veterans Administration benefit recipients. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by these regulations is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 13, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Approved: July 27, 1983.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—[AMENDED]

1. Section 21.5040 is revised as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* Whether an individual has basic eligibility under 38 U.S.C. ch. 32 for educational assistance depends upon when he or she entered the military service, the length of that service, and the character of that service (38 U.S.C. 1602; Pub. L. 97-66, 95 Stat. 1028).

(b) *Service requirements for all individuals not on active duty.* (1) An individual not on active duty:

(i) Must have entered the military service after December 31, 1976;

(ii) Must not have and must not have had basic eligibility under 38 U.S.C. ch. 34;

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from any period of service upon which eligibility is based;

(iv) Must either have:

(A) Served on active duty for a least 181 continuous days, or

(B) Been discharged or released from active duty for a service-connected disability.

(2) The Veterans Administration will consider that the veteran has an unconditional discharge or release if:

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(3) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable (38 U.S.C. 1602).

(c) *Additional active duty service requirements for some individuals not on active duty—Chapter 32.* (1) Unless exempted by paragraph (d) of this section, persons who originally enlist in a regular component of the Armed Forces after September 7, 1980, or who enter on active duty after October 16, 1981 (either as an enlisted member or an officer) to be eligible under 38 U.S.C. ch. 32, must first complete the shorter of—

(i) 24 continuous months of active duty, or

(ii) The full period for which the individual was called or ordered to active duty.

(2) For the purpose of paragraph (c)(1) of this section the Veterans Administration considers that an enlisted person originally enlisted in a regular component of the Armed Forces on the date he or she entered on active duty even though he or she may have signed a delayed-entry contract on an earlier date.

(3) In computing time served for the purpose of this paragraph, the Veterans Administration will exclude any period during which the individual is not entitled to credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous (38 U.S.C. 1602, 3103A; Pub. L. 97-66, 95 Stat. 1026).

(d) *Individuals exempt from additional active duty requirements.* (1) An individual who originally enlists in a regular component of the Armed Forces after September 7, 1980, or who enters on active duty after October 16, 1981 (either as an enlisted member or officer),

will be eligible to receive benefits under 38 U.S.C. ch. 32 based upon the ensuing period of active duty, and is exempt from the provisions of paragraph (c) of this section if he or she subsequently:

(i) Is discharged or released from active duty:

(A) Under 10 U.S.C. 1173 (hardship discharge), or

(B) Under 10 U.S.C. 1171 (early-out discharge), or

(C) For a disability incurred in or aggravated in line of duty; or

(ii) Is found by Veterans Administration to have a service-connected disability which gives the individual basic entitlement to disability compensation as described in § 3.4(b) of this chapter. Once the Veterans Administration makes this finding, the exemption will continue to apply even if the disability subsequently improves and becomes noncompensable.

(2) An individual who enters on a period of active duty after October 16, 1981 is also exempt from the provisions of paragraph (c) of this section if he or she:

(i) Previously completed a continuous period of active duty of at least 24 months, or

(ii) Was discharged or released from a previous period of active duty under 10 U.S.C. 1171 (early-out discharge).

(3) In computing time served for the purpose of this paragraph, the Veterans Administration will exclude any period during which the individual is not entitled to credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous (38 U.S.C. 1602, 3103A; Pub. L. 97-66, 95 Stat. 1026).

(e) *Savings provision.* An individual may become a participant and establish basic eligibility under the provisions of this section based upon a period of active duty service which began before October 16, 1981. He or she would not lose the basic eligibility based upon that period of service if, following a release from active duty, the individual reenters on active duty after October 16, 1981 and fails to meet the requirements of paragraph (c) of this section or qualify for an exemption under paragraph (d) of this section. He or she will receive a refund of any contributions he or she may make to the fund during the second period of active duty. See § 21.5065 (38 U.S.C. 1602, 3103A; Pub. L. 97-66, 95 Stat. 1026).

(f) *Individuals on active duty.* To establish basic eligibility under 38 U.S.C. ch. 32 for educational assistance an individual on active duty:

(1) Must have entered into military service after December 31, 1976 (38 U.S.C. 1602),

(2) Must have served on active duty for a period of 181 or more continuous days after December 31, 1976, and

(3) If not enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, must have completed the lesser of the following two periods of active duty: (38 U.S.C. 1631(b)).

(i) The individual's first obligated period of active duty which began after December 31, 1976, or

(ii) The individual's period of active duty which began after December 31, 1976, and which is 6 years in length.

(4) If enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, the individual:

(i) Must be an enlisted member of the Armed Forces,

(ii) Must be a participant

(iii) Must be training during the last 6 months of his or her first period of active duty, or any time thereafter, and

(5) If he or she originally enlisted after September 7, 1980, must have completed at least 24 months of his or her original enlistment (38 U.S.C. 1631(b), 10 U.S.C. 977).

2. Section 21.5065 is revised as follows:

§ 21.5065 Refunds without disenrollment.

(a) *Refunds made without disenrollment following a discharge or release under dishonorable conditions—*

(1) *A discharge or release under dishonorable conditions may result in a partial refund of contributions.* If an individual who would have been eligible, but for the fact of his or her reenlistment, for the award of a discharge or release under conditions other than dishonorable at the time he or she completed an obligated period of service, later receives a discharge or release under dishonorable conditions, the Veterans Administration may refund a portion of his or her contribution (38 U.S.C. 101, 1623).

(2) *Amount of refund.* The Veterans Administration shall refund to the individual all of his or her remaining contributions made to the fund after the individual completed the obligated period of service (38 U.S.C. 101, 1623).

(3) *Date of refund.* The Veterans Administration shall refund all monies due the individual:

(i) On the date of the individual's discharge or release from active duty; or

(ii) Within 60 days of receipt by the Veterans Administration of notice of the individual's discharge or release, whichever is later (38 U.S.C. 101, 1623, 1632).

(b) *Refunds made without disenrollment following a short period of active duty.* (1) An individual who has contributed to the fund during more than one period of active duty may be required to receive a refund of those contributions made during the most recent period of active duty. When an individual who meets all the criteria in paragraph (b)(2) of this section is discharged, the Veterans Administration will refund all contributions he or she made during the most recent period of active duty unless the individual meets one or more of the criteria stated in either paragraph (b) (4) or (5) of this section. If he or she meets one of those criteria, the contributions will not be refunded unless the individual voluntarily disenrolls.

(2) Unless a compulsory refund is prohibited by paragraph (b) (4) or (5) of this section, the Veterans Administration will refund all contributions made by an individual during the most recent period of active duty when the individual:

- (i) Completed at least one period of active duty before the most recent one during which he or she established entitlement to Post-Vietnam Era Veterans' Educational Assistance;
- (ii) Reentered on his or her most recent period of active duty after October 16, 1981;
- (iii) Contributed to the fund during his or her most recent period of active duty; and
- (iv) Is discharged.

(3) The circumstances which prohibit an automatic refund of monies contributed during the individual's most recent period of active duty do not relate only to the most recent period of active duty which began after October 16, 1981, but also the individual's prior periods of active duty regardless of whether they began before, after or on October 16, 1981.

(4) Meeting one or more of the following criteria concerning periods of active duty before the most recent one will be sufficient to prohibit a compulsory refund of contributions made during the most recent period of active duty. The individual:

- (i) Before the most recent period of active duty began, completed at least one continuous period of active duty of at least 24 months; or
 - (ii) Was discharged or released under 10 U.S.C. 1171 (early-out discharge) from any period of active duty before the most recent one.
- (5) Meeting one or more of the following criteria concerning the most recent period of active duty will be sufficient to prohibit a compulsory refund of contributions made during the

most recent period of active duty. The individual:

- (i) For the most recent period of active duty completes 24 months of continuous active duty, or the full period for which the individual was called or ordered to active duty, whichever is shorter; or
 - (ii) Is discharged or released from the most recent period of active duty under 10 U.S.C. 1171 (early-out discharge) or 1173 (hardship discharge); or
 - (iii) Is discharged or released from the most recent period of active duty for a disability incurred or aggravated in line of duty; or
 - (iv) Has a service-connected disability which give him or her basic entitlement to disability compensation as described in § 3.4(b) of this chapter.
- (6) In computing time served for the purpose of this paragraph, the individual is not entitled for credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous.
- (7) The Veterans Administration shall refund all monies due the individual:
- (i) On the date of the individual's discharge or release from active duty; or
 - (ii) Within 60 days of receipt of notice by the Veterans Administration of the individual's discharge or release, whichever is later.

(38 U.S.C. 1602, 1623, 1632, 3103A; Pub. L. 97-66, 95 Stat. 1026)

[FR Doc. 83-22080 Filed 8-11-83; 8:45 am]

BILLING CODE 5320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-1-FRL 2413-7]

Air Programs; Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs); Connecticut, Maine, New Hampshire, Rhode Island, Vermont, and Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA hereby notifies the public that it has delegated authority over certain New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) to the State Air Pollution Agencies in Region I. The NSPS and NESHAPs program delegations have now been brought up to date with recent EPA promulgations of standards and revisions to NSPS and

NESHAPs categories. Several of the States' delegations provide that authority over future promulgated standards and revisions will automatically be delegated to the State agency. These delegations do not create any new regulatory requirements affecting the public. The effect of the delegations is to shift primary program responsibility for the affected NSPS and NESHAPs source categories from EPA to State governments. Some States do not have full authority over the programs; limitations are noted where appropriate.

DATES: The regulations are amended to reflect these address changes effective Maine, September 30, 1982, Connecticut, September 30, 1983, Massachusetts, June 24, 1982, New Hampshire, September 30, 1982, Rhode Island, September 29, 1982, and Vermont, September 28, 1982.

FOR FURTHER INFORMATION CONTACT: Linda Murphy, State Air Programs Branch, Air Management Division, EPA, Region I, Room 2111, John F. Kennedy Building, Boston, MA 02203. Telephone: (617) 223-5130, FTS 223-5130.

SUPPLEMENTARY INFORMATION: The air pollution control agencies of the following States have requested and received, by delegation, authority over certain NSPS and NESHAPs source categories. Delegations are effective as listed below:

State of Connecticut

Effective Date: September 30, 1982 (except as otherwise noted).

Limitations: None—Full authority was delegated.

Future standards and revisions: Full authority over all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of Connecticut upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators	D.
Electric Utility Steam Generation Units	Da.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1976	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1976	Ka.
Secondary Lead Smelters	L.
Secondary Brass and Bronze Ingot Production Plants	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.

DELEGATIONS—Continued

NSPS	40 CFR Part 60 Subpart
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Steel Plants: Electric Arc Furnaces.	AA.
Glass Manufacturing Plants ¹ .	CC.
Metal Furniture Surface Coating ¹ .	EE.
Stationary Internal Combustion Engines ¹ .	FF.
Stationary Gas Turbines.	GG.
Lime Manufacturing Plants ¹ .	HH.
Organic Solvent Cleaners ¹ .	JJ.
Automobile & Light-Duty Truck Surface Coating ¹ .	MM.
Perchloroethylene Dry Cleaners ¹ .	OO.
Graphic Arts ¹ .	QQ.
Pressure Sensitive Tape & Label Surface Coating Operations ¹ .	RR.
Large Appliance Surface Coating ¹ .	SS.
Metal Coil Coating ¹ .	TT.
Asphalt Roofing ¹ .	UU.
Beverage Can Surface Coating Industry ¹ .	WW.
Gasoline Tank Truck Loading Trucks ¹ .	XX.
Rubber Tire Manufacturing ¹ .	BBB.
Flexible Vinyl Coating ¹ .	FFF.
VOC Fugitive Emissions from Petroleum Refineries ¹ .	GGG.
Synthetic Fiber Production Facilities ¹ .	HHH.
Petroleum Dry Cleaners ¹ .	JJJ.

¹ Effective date March 16, 1983.² Effective date February 10, 1983.³ Effective date April 29, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions.	A.
Asbestos ¹ .	B*.
Beryllium.	C.
Beryllium Rocket Motor Firing.	D.

*§ 61-22(d). Demolition and Renovation, and any other portion of Subpart B pertaining to it, is not delegated.

NESHAP's	40 CFR Part 60 Subpart
Mercury.	E.
Vinyl Chloride.	F.
Benzene Maleic Anhydride ¹ .	H.
Benzene Emissions from Ethylene/Styrene Plants ¹ .	I.
VOC Fugitive Emission Sources in the Synthetic Organic Chemical Manufacturing Industry ¹ .	J.
Benzene Emissions from Benzene Storage Vessels ¹ .	K.

¹ Effective date April 29, 1983.

State of Maine

Effective Date: September 30, 1982 (except as otherwise noted).

Limitations: None—full authority was delegated.

Future standards and revisions: Full authority over all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of Maine upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions.	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utility Steam Generating Units.	Da.
Incinerators ¹ .	E*.
Portland Cement Plants.	F.
Nitric Acid Plants.	G.
Sulfuric Acid Plants.	H.
Asphalt Concrete Plants.	I.
Petroleum Refineries.	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978.	Ka.
Secondary Lead Smelters.	L.
Secondary Bronze and Brass Ingot Production Plants.	M.
Iron & Steel Plants.	N.
Sewage Treatment Plants.	O.
Primary Copper Smelters.	P.
Primary Zinc Smelters.	Q.
Primary Lead Smelters.	R.
Primary Aluminum Reduction Plants.	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Coal Preparation Plants.	Y.
Ferroalloy Production Facilities.	Z.
Steel Plants: Electric Arc Furnaces.	AA.
Kraft Pulp Mills.	BB.
Glass Manufacturing Plants.	CC.
Grain Elevators.	DD.
Metal Furniture Surface Coating ¹ .	EE.
Stationary Gas Turbines.	GG.
Lime Manufacturing Plants.	HH.
Lead Acid Battery Manufacturing.	KK.
Automobile & Light Duty Truck Surface Coating Operations.	MM.
Phosphate Rock Plants.	NN.
Ammonium Sulfate Manufacture.	PP.
Graphic Arts ¹ .	QQ.
Large Appliance Surface Coating ¹ .	SS.
Metal Coil Coating ¹ .	TT.
Asphalt Roofing ¹ .	UU.

* Authority regarding cone burners serving populations of less than 25,000 was not delegated.

¹ Effective date February 25, 1983.

NESHAP's	40 CFR Part 61 Subpart
General provisions.	A.
Asbestos ¹ .	B*.
Beryllium.	C.
Mercury.	E.

*§ 61-22(d). Demolition and renovation, and any other portion of Subpart B pertaining to it, is not delegated.

NESHAP's	40 CFR Part 60 Subpart
Vinyl Chloride.	F.

Commonwealth of Massachusetts

Effective Date: June 24, 1982 for administrative and technical authority. February 9, 1983 for enforcement authority (except as otherwise noted).

Limitations: None—full authority was delegated.

Future standards and revisions: Full authority over all amended regulations in delegated categories under 40 CFR Part 60 or 61 will be delegated to the Commonwealth of Massachusetts upon EPA notice to the Commonwealth of final promulgation of the amended regulation.

NSPS	40 CFR Part 60 Subpart
General Provisions.	A.
Fossil-Fuel-Fired Steam Generators.	D.
Electric Utility Steam Generating Units.	Da.
Incinerators.	E.
Portland Cement Plants.	F.
Nitric Acid Plants.	H.
Asphalt Concrete Plants.	I.
Petroleum Refineries.	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978.	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978.	Ka.
Secondary Lead Smelters.	L.
Secondary Brass and Bronze Ingot Production Plants.	M.
Iron and Steel Plants.	N.
Sewage Treatment Plants.	O.
Primary Copper Smelters.	P.
Primary Zinc Smelters.	Q.
Primary Lead Smelters.	R.
Primary Aluminum Reduction Plants.	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	X.
Coal Preparation Plants.	Y.
Ferroalloy Production Facilities.	Z.
Steel Plants: Electric Arc Furnaces.	AA.
Kraft Pulp Mills.	BB.
Glass Manufacturing Plants.	CC.
Grain Elevators.	DD.
Metal Furniture Surface Coating ¹ .	EE.
Stationary Gas Turbines.	GG.
Lime Manufacturing Plants.	HH.
Lead-Acid Battery Manufacturing ¹ .	KK.
Automobile and Light Duty Truck Surface Coating ¹ .	MM.
Phosphate Rock Plants ¹ .	NN.
Ammonium Sulfate Manufacture.	PP.
Graphic Arts ¹ .	QQ.
Large Appliance Surface Coating ¹ .	SS.
Metal Coil Coating ¹ .	TT.
Asphalt Roofing ¹ .	UU.

¹ Effective date: May 9, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions.	A.
Asbestos.	B.
Beryllium.	C.
Beryllium Rocket Motor Firing.	D.
Mercury.	E.
Vinyl Chloride.	F.

State of New Hampshire

Effective Date: September 30, 1982 (except as otherwise noted).

Limitations: None—full authority was delegated.

Future standards and revisions: Full authority over all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of New Hampshire upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATION

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators	D.
Electric Utility Steam Generating Units	Da.
Incinerators	E.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978	K.
Storage Vessels for Petroleum Liquids constructed after May 18, 1978	Ka.
Secondary Lead Smelters	L.
Secondary Brass and Bronze Ingot Production Plants	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X.
Coal Preparation Facilities	Y.
Ferroalloy Production Plants	Z.
Steel Plants: Electric Arc Furnaces	AA.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Metal Furniture Surface Coating ¹	EE.
Stationary Gas Turbines	GG.
Lead Acid Battery Manufacturing ¹	KK.
Graphic Arts ¹	QQ.

¹ Effective date February 14, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions	A.
Asbestos	B.
Beryllium	C.
Mercury	E.

State of Rhode Island

Effective Date: September 29, 1982 (except as otherwise noted).

Limitations: Only administrative portions of the standards have been delegated.

Future standards and revisions: Authority over administrative portions of all new or amended regulations under 40 CFR Part 60 or 61 will be delegated to the State of Rhode Island upon EPA notice to the State of final promulgation of the new or amended regulation.

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators	D.
Electric Utility Steam Generating Units	Da.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids constructed prior to May 19, 1978	K.

DELEGATIONS—Continued

NSPS	40 CFR Part 60 Subpart
Storage Vessels for Petroleum Liquids constructed after May 18, 1978	Ka.
Secondary Lead Smelters	L.
Secondary Bronze and Brass Ingot Production Plants	M.
Iron and Steel Plants	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X.
Coal Preparation Facilities	Y.
Ferroalloy Production Plants	Z.
Steel Plants: Electric Arc Furnaces	AA.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Metal Furniture Surface Coating ¹	EE.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants	HH.
Lead-Acid Battery Manufacturing	KK.
Automobile and Light Duty Truck Surface Coating Operations	MM.
Phosphate Rock Plants	NN.
Ammonium Sulfate Manufacture	PP.
Graphic Arts ¹	QQ.
Large Appliance Surface Coating ¹	SS.
Metal Coil Coating ¹	TT.
Asphalt Roofing	UU.

¹ Effective date February 3, 1983.

NESHAP's	40 CFR Part 61 Subpart
General Provisions	A.
Asbestos *	B.*

* §§ 61.20, 61.21, 61.22 (c), (f), and (g), 61.23 and 61.24 only.

NESHAP's	40 CFR Part 60 Subpart
Beryllium	C.
Beryllium Rocket Motor Firing	D.
Mercury	E.
Vinyl Chloride	F.

State of Vermont

Effective Date: September 28, 1982.

Limitations: Only field surveillance has been delegated for NESHAPs; full authority was delegated for NSPS.

Future standards and revisions: The State of Vermont will specifically request any delegation of authority it desires with respect to any new or amended regulations under 40 CFR Part 60 or 61.¹

DELEGATIONS

NSPS	40 CFR Part 60 Subpart
General Provisions	A.
Fossil-Fuel-Fired Steam Generators	D.

DELEGATIONS—Continued

NSPS	40 CFR Part 60 Subpart
Electric Utility Steam Generating Units	Da.
Incinerators	E.
Asphalt Concrete Plants	I.

NESHAP's	40 CFR Part 61 Subpart
Asbestos *	B.*

* §§ 61.22 (d), (a)(11), (f) and (g), and 61.23 only.

Pursuant to NSPS and NESHAP's regulations, sources are required to submit all required reports to the state or local agency that has jurisdiction over the source, and the EPA.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. [Secs. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq.)]

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

40 CFR Part 61

Air Pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

(Secs. 111(c), 112(d) and 301(a), Clean Air Act, as amended (42 U.S.C. 7411(c), 7412(d) and 7601(a)))

Dated: July 7, 1983.

Michael R. Deland,

Regional Administrator, Region I.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subparts A of Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

Subpart A—General Provisions

1. Section 60.4, Address and § 61.04, Address, are each amended by revising

the address of the Commonwealth of Massachusetts in paragraph (b)(W) to read as follows:

§§ 60.4 and 61.04 [Amended]

(b) * * *

(W) Commonwealth of Massachusetts: Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, Boston, MA 02108.

2. Sections 60.4(b)(EE) and 61.04(b)(EE) are each amended by revising the address of the State of New Hampshire to read as follows:

(b) * * *

(EE) State of New Hampshire: New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

3. Sections 60.4(b)(OO) and 61.04(b)(OO) are each amended by revising the address of the State of Rhode Island to read as follows:

(b) * * *

(OO) State of Rhode Island: Rhode Island Department of Environmental Management, 204 Cannon Building, Davis Street, Providence, RI 02908.

4. Sections 60.4(b)(UU) and 61.04(b)(UU) are each amended by revising the address of the State of Vermont to read as follows:

(b) * * *

(UU) State of Vermont: Vermont Agency of Environmental Conservation, Air Pollution Control, State Office Building, Montpelier, VT 05602.

[FR Doc. 83-22040 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 264 and 270

[SWA-FRL 2407-1]

Hazardous Waste Incinerators, Evaluating Permit Applications; Availability of Manual

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

This document announces the availability of a manual that will assist permit writers in evaluating permit applications for hazardous waste incinerators. The manual provides guidance to the permit writer for designating facility specific operating conditions necessary to comply with the

standards. Each section of the incineration regulation is addressed, including: waste analysis, designation of principal organic hazardous constituents in the waste, and requirements for operation, inspection and monitoring. Guidance is also provided for evaluating incinerator performance data and the procedures followed in an incinerator trial burn.

ADDRESS: Copies of this report are available for reading at the EPA Library and the Subtitle C Docket Room (Room S-269), located at 401 M Street SW., Washington, D.C., during the hours of 9:00 A.M. to 4:30 P.M. Monday through Friday. Copies are also available for reading in the EPA regional libraries, and at the National Technical Information Service, Incinerator Guidance Manual, 5285 Port Royal Road, Springfield, VA 22151.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, at (800) 424-9346 (toll free) or at (202) 382-3000. For technical information contact Edward Martin at (202) 382-4761.

SUPPLEMENTARY INFORMATION: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner that does not endanger human health or the environment. Pursuant to this authority, standards for hazardous waste incinerators were promulgated on January 23, 1981 (46 FR 7666; 40 CFR Parts 264, 265 and 270) and amended on June 24, 1982 (47 FR 27520; 40 CFR Parts 264, 265 and 270).

This document announces the availability of a manual that will assist permit writers in evaluating permit applications for hazardous waste incinerators. The manual provides guidance to the permit writer for designating facility specific operating conditions necessary to comply with the standards. Each section of the incineration regulation is addressed, including: waste analysis, designation of principal organic hazardous constituents in the waste, and requirements for operation, inspection and monitoring. Guidance is also provided for evaluating incinerator performance data and the procedures followed in an incinerator trial burn.

For regulations containing reporting requirements, EPA must comply with the Paperwork Reduction Act. This notification is not of a regulatory nature. Rather, it announces the availability of a manual for use in interpreting the information collected during the permit process. Collection of the information

needed to issue hazardous waste incinerator permits has already been approved by OMB. EPA has applied for an extension of that approval.

This manual was submitted to OMB for review under Executive Order 12291. It is not a major regulation; it is a guidance document.

Dated: June 27, 1983.

Lee M. Thomas,
Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 83-22039 Filed 8-11-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Minerals Management Service

43 CFR Parts 3160 and 3180

30 CFR Parts 221 and 226

[Circular No. 2533]

Onshore Oil and Gas, General; Redesignation of Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: All of the Department of the Interior's non-royalty responsibilities related to the approval and supervision of operations on onshore Federal and Indian (except Osage) oil and gas leases have been consolidated within the Bureau of Land Management. This document transfers only those regulations in Title 30 CFR concerning Onshore Oil and Gas Operations and unit agreements previously administered by the Minerals Management Service to the Bureau of Land Management and redesignates them as Title 43 CFR, as follows:

Title 30 CFR Part 221 becomes Title 43 CFR Part 3160.

Title 30 CFR Part 226 becomes Title 43 CFR Part 3180.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen H. Spector, (703) 860-7969

or

Robert C. Bruce, (202) 343-8753.

SUPPLEMENTARY INFORMATION: On December 3, 1982, the Secretary of the Interior, by Order No. 3087, as amended on February 7, 1983 (48 FR 8983), assigned all functions related to royalty and mineral revenue accountability to the Minerals Management Service and assigned all functions related to the minerals management of Federal and