Par. 6. On page 20318, column 3, in § 1.985–3T(d)(6), in the first line of the heading, the language "(6) Dollar and third currency" is removed and the language "(6) Dollar and third country currency" is added in its place.

Dale D. Goode,

Chief, Technical Section, Legislation and Regulations Division.

[FR Doc. 88–13932 Filed 6–20–88; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 452

Candidacy Age Requirements in Union Officer Elections; Correction

AGENCY: Office of Labor-Management Standards, Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final regulation concerning restrictions on candidacy for union office which was published in the **Federal Register** on March 17, 1988 (53 FR 8750; FR Doc. 88–5901).

FOR FURTHER INFORMATION CONTACT: Kay Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Washington, DC 20210; telephone (202) 523–7373 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The following corrections are made to the final regulation published in the **Federal Register** on March 17, 1988, in order to reinsert a footnote in the text of 29 CFR 452.46. The footnote had been included in the pre-amended § 452.46 and was inadvertently omitted in publishing the amendment on March 17, 1988.

§ 452.46 [Corrected]

1. The fourth sentence of the amended 29 CFR 452.46 should read, "Thus, it ordinarily may not limit eligibility for office to persons of a particular race, color, religion, sex, or national origin since this would be inconsistent with the Civil Rights Act of 1964.[28]"

2. The text of footnote 28 should read as follows: "[28] *Shultz* v. *Local 1291, International Longshoremen's Association*, 338 F. Supp. 1204 (E.D. Pa.), aff'd, 461 F.2d 1262 (C.A. 3 1972)."

Signed at Washington, DC, this 14th day of June, 1988.

Salvatore R. Martoche,

Assistant Secretary for Labor-Management Standards.

[FR Doc. 88–13873 Filed 6–20–88; 8:45 am]

BILLING CODE 4510-86-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 88-02]

Regatta; Sacramento Water Festival

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The regulation will amend § 100.1202 of Title 33, Code of Federal Regulations. The purpose is to extend the period of time the Sacramento River is closed during the Sacramento Water Festival.

EFFECTIVE DATE: June 2, 1988. Consequently, for 1988, these regulations are effective from 0900 to 1800 on July 2, July 3, and July 4.

FOR FURTHER INFORMATION CONTACT: Lt. K. S. Gregory, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822–5399, Tel: (213) 499–5318.

SUPPLEMENTARY INFORMATION: On 14 April, 1988, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (53 FR 12434). Interested persons were requested to submit comments and one comment was received.

Drafting Information

The drafters of these regulations are Lt. K. S. Gregory, project officer, Eleventh Coast Guard Boating Affairs Office, and Lt. G. R. Wheatley, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Comments

The one commentor mentioned the impact of diminished public access through the Water Festival area. The Sacramento Water Festival draws a number of visitors to the local area and boosts the local economy. Due to the type of events scheduled, closure of the Water Festival area is necessary to insure the safety of participants as well as spectators. Closure of the Water Festival area is in the best interest of the community. Passage through the Water Festival area will be restricted during the following periods: Saturday, July 2, 1988—0900 to 1145, 1215 to 1515, and 1545 to 1800; Sunday, July 3, 1988—0900 to 1145, 1215 to 1515, and 1545 to 1730; Monday, July 4, 1988—1000 to 1145, 1215 to 1515, and 1545 to 1700.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is deemed unnecessary. It involves negligible cost and will not have a significant effect on recreational vessels, commercial vessels or other marine interests.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that they will not have significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.1202(a) is revised to read as follows:

§ 100.1202 Sacramento Water Festival.

* * * * *

(a) *Effective Dates.* This section is effective from 0900 to 1800 PDT the first Friday, Saturday, and Sunday in July, except for those years when July 4th falls on Monday. In those years, the effective date of these regulations will be the first Saturday, Sunday and Monday in July, as published in the LOCAL NOTICE TO MARINERS.

Dated: June 13, 1988.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 88–13856 Filed 6–20–88; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Improvements in Veterans' Benefits

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration (VA) has amended its adjudication regulations to improve and extend eligibility for certain veterans' benefits. The amendments are necessary because recent legislation has changed the eligibility and entitlement criteria for those benefits. The effect of these amendments will be the addition of new presumptively service-connected disabilities for former prisoners of war, improvement in compensation payable for certain multiple disabilities, exclusion of certain income in computing pension entitlement, extension of eligibility for special home adaptation grants and a change in the effective date of reduction for certain hospitalized incompetent veterans. Additional amendments also implement opinions of the VA General Counsel and a settlement agreement.

EFFECTIVE DATES: These amendments are effective October 28, 1986, with the exception of the amendments to 38 CFR 3.309(c) which are effective October 1, 1986, as provided by law, and the amendments to 38 CFR 3.22, 3.23, 3.271, 3.272(h) and (m), and 3.557(c) and 3.800 which are effective July 21, 1988.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: On pages 37170–75 of the **Federal Register** of October 5, 1987, the VA published proposed rules for improvements in veterans' benefits. Interested persons were invited to submit comments, suggestions or objections to these proposals by November 4, 1987. Five comments were received.

One commenter was totally supportive of the proposed changes while another suggested an additional income exclusion for pension purposes which was not a subject on which comments were sought. As will be noted later, exclusions from income under the improved pension program are set forth in Title 38 United States Code.

The other three commenters all focused on the proposed definition of hardship for purposes of excluding a child's income when computing pension entitlement and on the method of computing the amount of that exclusion. One commenter suggested that the proposed definition and computation method would be a burden on regional office personnel and offered an alternative definition. The commenter suggested that hardship should be held to exist whenever a child's income exceeds the additional amount added to a veteran's or surviving spouse's maximum annual pension rate by virtue of including that child as a member of the family unit. The amount of the exclusion would be the amount of the excess.

This suggestion cannot be accepted for a number of reasons. First, it defines hardship differently for different children. Under this suggestion when a single veteran adds one dependent child to his or her award, hardship would exist when the child's income exceeded $1926. Similarly, when the first child is added to a surviving spouse's award, hardship would exist when the child's income exceeded $1291. When other children are subsequently added to a veteran's or surviving spouse's award, hardship for them would exist when their income exceeded $1055. Such unequal treatment is not appropriate.

Secondly, pension is a need-based program with those in greater financial need receiving more benefits. In determining need the income of all family members is considered. Under the suggested definition and exclusion methodology a child with income under $1000 could not claim a hardship exclusion but a child with income of $10,000 could. This is contrary to the basic purpose of the pension program.

In addition, hardship cannot be defined in terms of a particular dollar amount. The level of income that may create a hardship in New York City may not create a hardship in a more rural community. We believe that the hardship definition and methodology proposed will result in more equitable treatment of claimants on a case-by-case basis and is consistent with the basic purpose of the pension program.

The remaining two commenters who addressed the definition of hardship recommended that the definition of low income used by the Department of Housing and Urban Development (HUD) be considered as the income level below which hardship would be presumed and a child's income would be excluded. That definition was said to be 80 percent of the median income for the region. After review of HUD's October 1, 1986, median family income figures we determined that the suggested definition of hardship could not be used. In most cases the median family income figures were so high that people with incomes near 80 percent of those figures would exceed the maximum annual pension rate and would not be entitled to pension. The effect of the suggestion, in other words, would be, if an individual's income were low enough to permit pension entitlement, the VA would be precluded from considering the income of any child in the family unit. This would constitute a blanket exclusion of children's income which Title 38 United States Code would not permit.

It was also suggested that a baseline for earned income of children be established. We believe this would be inappropriate for the same reason as establishing a set monetary amount as constituting hardship.

These commenters also suggested that the proposed determinations would be burdensome on the VA and would tend to favor those who kept accurate records and could best articulate their expenditures for reasonable family maintenance. We do not believe this proposed adjudicative determination would be a burden on VA employees as they already make similar determinations when deciding whether a veteran's parents qualify as dependents. We also do not believe that these proposed rules will favor some beneficiaries over others. In any event, there are numerous vererans' service organizations and the VA's own benefit counselors who are ready to assist any claimant who has difficulty.

Finally these two commenters suggest that the VA cannot consider a child's social security benefits in determining the pension entitlement of a veteran or surviving spouse. Court decisions and the laws and regulations governing social security benefits are cited in support of this position. We cannot agree. The statutory authority for including a child's social security benefits when computing a veteran's or surviving spouse's pension entitlement is contained in 38 U.S.C. 503, 521 and 541. Until such authority is repealed, the VA must continue to implement both the letter and the spirit of those statutes.

These amendments are adopted as proposed. We appreciate the interest expressed by each commenter.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these final regulations are nonmajor for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have 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 hereby certifies that these final regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that these regualtions would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance program numbers are 64.100 through 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: June 1, 1988.

Thomas K. Turnage,

Administrator.

38 CFR Part 3, Adjudication, is amended as follows:

PART 3—[AMENDED]

1. In § 3.22 paragraph (b) is amended by adding a sentence and an authority citation at the end to read as follows:

§ 3.22 Benefits at DIC rates in certain cases when death is not service-connected.

* * * * *

(b) * * * The provisions of this paragraph do not apply, however, to any portion of such benefits payable for any period preceding the end of the month in which such money or property of value is received.

(Authority: 38 U.S.C. 210(c))

* * * * *

2. In § 3.23, new paragraph (d)(6) is added to read as follows:

§ 3.23 Improved pension rates-veterans and surviving spouses.

* * * * *

(d) * * *

(6) *Reasonable availability and hardship.* For the purposes of paragraphs (d)(4) and (d)(5) of this section, a child's income shall be considered "reasonably available" when it can be readily applied to meet the veteran's or surviving spouse's expenses necessary for reasonable family maintenance, and "hardship" shall be held to exist when annual expenses necessary for reasonable family maintenance exceed the sum of countable annual income plus VA pension entitlement. "Expenses necessary for reasonable family maintenance" include expenses for basic necessities (such as food, clothing, shelter, etc.) and other expenses, determined on a case-by-case basis, which are necessary to support a reasonable quality of life.

(Authority: 38 U.S.C. 210(c))

3. In § 3.271, paragraphs (a), (e) and (f) are revised to read as follows:

§ 3.271 Computation of income.

(a) *General.* Payments of any kind from any source shall be counted as income during the 12-month annualization period in which received unless specifically excluded under § 3.272.

(Authority: 38 U.S.C. 210(c))

* * * * *

(e) *Installments.*—Income shall be determined by the total amount received or anticipated during a 12-month annualization period.

(Authority: 38 U.S.C. 210(c))

(f) *Deferred determinations.* When an individual is unable to predict with certainty the amount of countable annual income, the annual rate of improved pension shall be reduced by the greatest amount of anticipated countable income until the end of the 12-month annualization period, when total income received during that period will be determined and adjustments in pension payable made accordingly.

(Authority: 38 U.S.C. 210(c))

4. In § 3.272, the introductory text, paragraphs (g) introductory text, (g)(1)(iii), (g)(2)(iii), (g)(3), (h) introductory text, and (h)(1)(i) are revised, and paragraphs (l) and (m) are added to read as follows:

§ 3.272 Exclusions from income.

The following shall be excluded from countable income for the purpose of determining entitlement to improved pension. Unless otherwise provided, expenses deductible under this section are deductible only during the 12-month annualization period in which they were paid.

(Authority: 38 U.S.C. 210(c))

(g) *Medical expenses.* Within the provisions of the following paragraphs, there will be excluded from the amount of an individual's annual income any unreimbursed amounts which have been paid within the 12-month annualization period for medical expenses regardless of when the indebtedness was incurred. An estimate based on a clear and reasonable expectation that unusual medical expenditure will be realized may be accepted for the purpose of authorizing prospective payments of benefits subject to necessary adjustment in the award upon receipt of an amended estimate, or after the end of the 12-month annualization period upon receipt of an eligibility verification report.

(Authority: 38 U.S.C. 210(c))

(1) * * *

(iii) They were or will be in excess of 5 percent of the applicable maximum annual pension rate or rates for the veteran (including increased pension for family members but excluding increased pension because of need for aid and attendance or being housebound) as in effect during the 12-month annualization period in which the medical expenses were paid.

(2) * * *

(iii) They were or will be in excess of the applicable maximum annual pension rate or rates for the spouse (including increased pension for family members but excluding increased pension because of need for aid and attendance or being housebound) as in effect during the 12-month annualization period in which the medical expenses were paid.

(Authority: 38 U.S.C. 210(c))

(3) *Children's income.* Unreimbursed amounts paid by a child for medical expenses of self, parent, brothers and sisters, to the extent that such amounts exceed 5 percent of the maximum annual pension rate or rates payable to the child during the 12-month annualization period in which the medical expenses were paid.

(Authority: 38 U.S.C. 210(c))

(h) *Expenses of last illnesses, burials, and just debts.* Expenses specified in paragraphs (h)(1) and (h)(2) of this section which are paid during the calendar year following that in which death occurred may be deducted from annual income for the 12-month annualization period in which they were paid or from annual income for any 12-month annualization period which begins during the calendar year of death, whichever is to the claimant's advantage. Otherwise, such expenses are deductible only for the 12-month annualization period in which they were paid. Any such expenses paid subsequent to death but prior to date of entitlement are not deductible.

(Authority: 38 U.S.C. 210(c))

(1) * * *

(i) Amounts paid by a spouse before a veteran's death for expenses of the veteran's last illness will be deducted from the income of the surviving spouse.

(Authority: 38 U.S.C. 503(a)(3))

* * * * *

(l) *Distributions of funds under 38 U.S.C. 618.* Distributions from the Veterans Administration Special Therapeutic and Rehabilitation Activities Fund as a result of participation in a therapeutic or rehabilitation activity under 38 U.S.C. 618 shall be considered donations from a public or private relief or welfare organization and shall not be countable as income for pension purposes.

(Authority: 38 U.S.C. 618(f))

(m) *Hardship exclusion of child's available income.* When hardship is established under the provisions of § 3.32(d)(6) of this part, there shall be excluded from the available income of any child or children an amount equal to the amount by which annual expenses necessary for reasonable family maintenance exceed the sum of countable annual income plus VA pension entitlement computed without consideration of this exclusion. The amount of this exclusion shall not exceed the available income of any child or children, and annual expenses necessary for reasonable family maintenance shall not include any expenses which were considered in determining the available income of the child or children or the countable annual income of the veteran or surviving spouse.

(Authority: 38 U.S.C. 521(h), 541(g))

5. In § 3.309, the list in paragraph (c) and the authority citation for the section are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

* * * * *

(c) *Diseases specific as to former prisoners of war.*

* * * * *

Avitaminosis.
Beriberi (including beriberi heart disease).
Chronic dysentery.
Helminthiasis.
Malnutrition (including optic atrophy associated with malnutrition).
Pellagra.
Any other nutritional deficiency.
Pyschosis.
Any of the anxiety states.
Dysthmic disorder (or depressive neurosis).
Organic residuals of frostbite, if it is determined that the veteran was interned in climatic conditions consistent with the occurrence of frostbite.
Post-traumatic osteoarthritis.

(Authority: 38 U.S.C. 210(c))

6. In § 3.342, paragraph (b)(4)(ii) is revised to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

* * * * *

(b) * * *

(4) * * *

(ii) Participation in, or the receipt of a distribution of funds as a result of participation in, a therapeutic or rehabilitation activity under 38 U.S.C. 618.

(Authority: 38 U.S.C. 618(f))

7. In § 3.343, the last sentence in paragraph (c)(1) is revised and an authority citation is added to paragraph (c) to read as follows:

§ 3.343 Continuance of total disability ratings.

* * * * *

(c) *Individual unemployability.* (1) * * * Neither participation in, nor the receipt of a distribution of funds as a result of participation in, a therapeutic or rehabilitation activity under 38 U.S.C. 618 shall be considered evidence of employability.

(Authority: 38 U.S.C. 618(f))

* * * * *

8. Section 3.383 is revised to read as follows:

§ 3.383 Special consideration for paired organs and extremities.

(a) *Entitlement criteria.* Compensation is payable for the combinations of service-connected and nonservice-connected disabilities specified in paragraphs (a)(1) through (a)(5) of this section as if both disabilities were service-connected, provided the nonservice-connected disability is not the result of the veteran's own willful misconduct.

(1) Blindness in one eye as a result of service-connected disability and blindness in the other eye as a result of nonservice-connected disability.

(2) Loss or loss of use of one kidney as a result of service-connected disability and involvement of the other kidney as a result of nonservice-connected disability.

(3) Total deafness in one ear as a result of service-connected disability and total deafness in the other ear as a result of nonservice-connected disability.

(4) Loss or loss of use of one hand or one foot as a result of service-connected disability and loss or loss of use of the other hand or foot as a result of nonservice-connected disability.

(5) Permanent service-connected disability of one lung, rated 50 percent or more disabling, in combination with a nonservice-connected disability of the other lung.

(b) *Effect of judgment or settlement.* (1) If a veteran receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the nonservice-connected disability which established entitlement under this section, the increased compensation payable by reason of this section shall not be paid for any month following the month in which any such money or property is received until such time as the total amount of such increased compensation that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received. The provisions of this paragraph do not apply, however, to any portion of such increased compensation payable for any period preceding the end of the month in which such money or property of value was received.

(2) With respect to the disability combinations specified in paragraphs (a)(1), (a)(2), (a)(3) and (a)(5) of this section, the provisions of this paragraph apply only to awards of increased compensation made on or after October 28, 1986.

(c) *Social security and workers' compensation.* Benefits received under social security or workers' compensation are not subject to recoupment under paragraph (b) of this section even though such benefits may have been awarded pursuant to a judicial proceeding.

(d) *Veteran's duty to report.* Any person entitled to increased compensation under this section shall promptly report to the VA the receipt of any money or property received pursuant to a judicial proceeding based upon, or a settlement or compromise of, any cause of action or other right of recovery for damages for the nonservice-connected loss or loss of use of the impaired extremity upon which entitlement under this section is based. The amount to be reported is the total of the amount of money received and the fair market value of property received. Expenses incident to recovery, such as attorneys' fees, may not be deducted from the amount to be reported.

(Authority: 38 U.S.C. 360)

§ 3.384 [Removed and reserved]

9. Section 3.384 is removed and reserved.

10. In § 3.501, paragraph (i)(3) is revised to read as follows:

§ 3.501 Veterans.

* * * * *

(i) * * *

(3) *Section 3.557.* Incompetent veteran, admitted for hospital, institutional or domiciliary care, without dependents, whose estate equals or exceeds $1,500: Last day of the month of admission or the last day of the month in which the veteran's estate equal or exceeds $1,500, whichever is later. If the veteran was hospitalized for observation and examination, the date treatment began will be considered the date of admission.

(Authority: 38 U.S.C. 3012(c))

11. In § 3.502, the introductory text and paragraph (c) are revised to read as follows:

§ 3.502 Surviving spouses.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a surviving spouse will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(Authority: 38 U.S.C. 210(c))

* * * * *

(c) *Legal surviving spouse entitled.* Date of last payment on award to another person as surviving spouse. See § 3.657.

(Authority: 38 U.S.C. 210(c))

* * * * *

12. In § 3.503, the introductory text and paragraphs (b) and (i) are revised as follows:

§ 3.503 Children.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or surviving spouse on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(Authority: 38 U.S.C. 210(c))

* * * * *

(b) *Enters service.* Date of last payment of apportioned disability benefits for child not in custody of estranged spouse. Full rate payable to veteran. No change where payments are being made for the child to the veteran, his (her) estranged spouse, his (her) surviving spouse, or to the fiduciary of a child not in the surviving spouse's custody.

(Authority: 38 U.S.C. 210(c))

* * * * *

(i) *Surviving spouse becomes entitled.* Date of last payment. See § 3.657.

(Authority: 38 U.S.C. 210(c))

13. In § 3.557, the first sentence of paragraph (b)(4) and paragraph (d), and all of paragraph (c) are revised and an authority citation is added to paragraph (d) to read as follows:

§ 3.557 Incompetents; estate over $1,500 and institutionalized.

* * * * *

(b) * * *

(4) Has an estate, derived from any source, which equals or exceeds $1,500, further payments of pension, compensation or emergency officer's retirement pay will not be made, except as provided in paragraph (d) of this section, until the estate is reduced to $500.

* * * * *

(c) For veterans subject to paragraph (b) of this section, the value of the veteran's estate shall be computed under the provisions of § 13.109 of this title.

(Authority: 38 U.S.C. 210(c))

(d) Payment of pension, compensation or emergency officers' retirement pay to a veteran subject to the provisions of paragraph (b) of this section will be discontinued the last day of the month of admission or the last day of the month in which the veteran's estate equals or exceeds $1,500, whichever is later. * * *

(Authority: 38 U.S.C. 3203)

* * * * *

14. In § 3.800, paragraph (a)(2) is amended by adding a sentence at the end and revising the authority citation to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

(a) * * *

(2) * * * The provisions of this paragraph do not apply, however, to any portion of such compensation or dependency and indemnity compensation payable for any period preceding the end of the month in which such judgment, settlement or compromise becomes final.

(Authority: 38 U.S.C. 210(c))

* * * * *

15. In § 3.809a, the introductory text is revised to read as follows:

§ 3.809a Special home adaptation grants under 38 U.S.C. 801(b).

A certificate of eligibility for assistance in acquiring necessary special home adaptations, or, on or after October 28, 1986, for assistance in acquiring a residence already adapted with necessary special features, under 38 U.S.C. 801(b) may be issued to a veteran who served after April 20, 1898, if the following requirements are met:

(Authority: 38 U.S.C. 801(b))

* * * * *

[FR Doc. 88-13919 Filed 6-20-88; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3399-2; KY-043]

Approval and Promulgation of Implementation Plans; Kentucky Permit Fees and Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to Jefferson County Regulation 2.08, Permit Fees and Renewal, submitted to EPA on March 20, 1987. These amendments entail a complete realignment of permit fees and renewal frequencies. After completing a study of the average costs involved in establishing a permit, the Jefferson County Air Pollution Contol District determined that these revisions to Regulation 2.08 being approved today are necessary to cover the costs of reviewing and processing permit applications, as well as the costs of implementing and enforcing such permit conditions. Section 110(a)(2)(K) of the Clean Air Act provides the authority for the establishment of permit fees. The amendments to Regulation 2.08 being approved in this notice were proposed on November 19, 1987 (52 FR 44448). No comments were received in response to that proposal.

EFFECTIVE DATE: This rule will become effective on July 21, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Kentucky Natural Resources and Environmental Protection Cabinet, Department of Environmental Protection, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

Jefferson County, Kentucky, Physical and Environmental Services, Air Pollution Control District, 914 East Broadway, Louisville, Kentucky 40204.
Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Pamela E. Adams of the EPA Air Programs Branch at the above address, telephone (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: On March 20, 1987, the Kentucky Division of Air Pollution Control submitted to EPA revisions to Jefferson County Regulation 2.08, Permit Fees and Renewal. This regulation is a part of the Kentucky State Implementation Plan (SIP) approved under section 110 of the Clean Air Act. Submittal of these amendments by the Jefferson County Air Pollution Control District occurred on March 2, 1987. Opportunity for public participation and input relevant to these amendments was provided through a public hearing conducted on December 17, 1986, at the Air Pollution Control District of Jefferson County. The revisions to Regulation 2.08, Permit Fees and Renewal, incorporate a complete realignment of permit fees and renewal frequencies. Section 110(a)(2)(K) of the Clean Air Act provides the authority for the establishment of permit fees. Section 110(a)(2)(K) of the Clean Air Act provides that a SIP can be approved by EPA if it "requires the owner or operator of each major stationary source to pay to the permitting authority as a condition of any permit required under this Act a fee sufficient to cover: (i) The reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, whether before or after the date of enactment of this subparagraph, the reasonable costs (incurred after such date of enactment) of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action)." After conducting a study of the average permitting costs associated with meeting the requirements of section 110(a)(2)(K) of the Clean Air Act, the Jefferson County Air Pollution Control District determined that revisions to Regulation 2.08 discussed in this notice are necessary to compensate for increased permitting costs.

Section 1 of Regulation 2.08 was revised to increase and redistribute permit fees. A fee was also established for demolition/renovation of asbestos containing structures. Section 1(a) was revised to increase the operating permit fee from $15 to $50 per process. The stipulation was added to section 1(a) that these permits are for major and minor sources. An amendment to section 1(b) of Regulation 2.08 increased the fee for construction permits from $15 to $450. Furthermore, section 1(b) was amended to state that the $450 fee is "for all affected facilities which singly or collectively have the potential to be emitters of 100 tons per year or more of any pollutant." A new subsection, section 1(c), was added to Regulation 2.08 to state that the construction permit fee for sources not covered by section 1(b) will be $200. Section 1(d) of Regulation 2.08, labelled as section 1(c) prior to the amendments discussed in this notice, was amended to increase the fee for banking permits from $15 to $50. The section labelled 1(d) prior to the amendments discussed in this notice was deleted. Prior to this deletion, this section stated that there would a "$2000/year maximum operating permit fee per source." A new subsection, section 1(e), was added to Regulation 2.08 to establish a $100 fee for the "demolition/renovation of asbestos containing structures." As a result of this new subsection, sections previously labelled section 1(e) and section 1(f) were labelled as section 1(f) and section 1(g), respectively.

Section 2 of Regulation 2.08 was revised to change renewal conditions for permits. Section 2(a) was amended to state that "major sources shall renew operating permits every two years." Prior to this revision, major sources were required to renew operating permits every year. A similar amendment to section 2(b) requires minor sources to renew operating permits every four years rather than every three years. A new subsection, section 2(c), states that "the District, at its discretion, may adjust individual permit time periods to conform with its inspection schedules of sources." Section 2(d) of Regulation 2.08, previously labelled as section 2(c), was amended to state that "permits issued under this regulation are not transferable." This revision was adopted for clarification purposes as the previous version read "this section" rather than "this regulation." Section 2(e) was added to state that "banking permits are not subject to periodic renewal."

The amendments to Regulation 2.08 being approved in this notice were proposed in a **Federal Register** notice dated November 19, 1987 (52 FR 44448). The proposal notice discusses comments received at the December 17, 1986, public hearing conducted to review the amendments to Regulation 2.08. No comments were submitted to EPA in response to the proposal notice (52 FR 44448). EPA anticipates no adverse environmental impacts resulting from implementation of the amendments to Regulation 2.08 being approved today.

Final Action

EPA is today approving regulatory changes to Jefferson County Regulation 2.08, Permit Fees and Renewal. These changes increase several permit fees and decrease renewal frequencies. The Jefferson County Air Pollution Control District determined that these revisions are necessary to cover the costs of reviewing and processing permit applications, as well as the costs of implementing and enforcing such permit conditions.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 22, 1988. 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

Air pollution control, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 9, 1988.

Lee M. Thomas,
Administrator.

Part 52 of 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. 7401–7642.

Subpart S—Kentucky

2. Section 52.920 is amended by adding paragraph (c)(55) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(55) Revisions to Jefferson County, Kentucky Regulation 2.08, Permit Fees and Renewal, submitted on March 20, 1987, by the Kentucky Natural

Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Revisions to Jefferson County, Kentucky Regulation 2.08, Permit Fees and Renewal, which became State-effective on December 17, 1986.

(B) Letter of March 20, 1987, from the Kentucky Natural Resources and Environmental Protection Cabinet.

(ii) Other material—none.

[FR Doc. 88-13620 Filed 6-20-88; 8:45 am]

BILLING CODE 6560-50-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

45 CFR Part 1801

Harry S. Truman Scholarship Program Regulations; Final Provisions

AGENCY: Harry S. Truman Scholarship Foundation.

ACTION: Final rule.

SUMMARY: The following are the regulations governing the annual competition for Harry S. Truman Scholarships, as amended. Amendments are being made to expand the nomination requirements to permit each institution of higher education annually to nominate up to three students for Truman Scholarships. The nominated students may have legal residence in the same State/District or they may be residents of different States/Districts (§ 1801.11). The amendments also reflect an increase to $7,000 of the maximum annual Scholarship stipend (§ 1801.41). In addition a number of clarifying changes are being made to the last complete edition of these regulations published in the **Federal Register** on December 9, 1980 (45 FR 81047).

EFFECTIVE DATE: June 21, 1988.

ADDRESS: Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Malcolm C. McCormack, (202) 395-4831.

Dated: June 14, 1988.

Malcolm C. McCormack,

Executive Secretary.

Approved: June 14, 1988.

Elmer B. Staats,

Chairman, Board of Trustees.

Title 45 of the Code of Federal Regulations is amended by revising Part 1801, to read as follows:

PART 1801—HARRY S. TRUMAN SCHOLARSHIP PROGRAM

Authority: Pub. L. 93-642, 88 Stat. 2276 (20 U.S.C. 2001-2012).

Subpart A—General

§ 1801.1 Annual Truman Scholarship competition.

Each year, the Harry S. Truman Scholarship Foundation carries out a nationwide competition to select students to be Truman Scholars.

§ 1801.2 Truman Scholars are selected from each State.

(a) At least one Truman Scholar is selected each year from each State in which there is a resident applicant who meets the eligibility criteria in § 1801.3. In addition, the Board of Trustees may select additional Scholars-at-Large.

(b) As used in this part, "State" means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and considered as a single entity: Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§ 1801.3 Students eligible for nomination.

A student is eligible to be nominated as a Truman Scholar if he or she:

(a) Is a matriculated student pursuing a degree at an institution of higher education during the year in which nominated;

(b) Will be a junior pursuing a bachelor's degree as a full-time student at an institution of higher education the following academic year;

(c) Has an undergraduate field of study that permits admission to a graduate program leading to a career in public service;

(d) Has an undergraduate average of at least "B" or its equivalent and ranks in the upper fourth of his or her class; and

(e) Is a U.S. citizen, a U.S. national, or a permanent resident of the Commonwealth of the Northern Mariana Islands.

§ 1801.4 Definitions.

As used in this part:

"Academic year" means the period of time, typically 8 or 9 months in which a full-time student would normally complete two semesters, two trimesters, three quarters, or the equivalent.

"Foundation" means the Harry S. Truman Scholarship Foundation.

"Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent to secure the degree or certificate toward which he or she is working, in no more than the length of time normally taken at the institution of higher education.

"Graduate study" means the courses of study beyond the baccalaureate level which may lead to an advanced degree.