in Table 175.130 under § 175.130 as long as they remain in serviceable condition.

(46 U.S.C. 1454; 49 CFR 1.46 (n)(1))

Dated: April 19, 1982.

V. W. Driggers,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 82-15179 Filed 6-4-82; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Implementing New Legislation

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its adjudication regulations to implement certain provisions of a new law, the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981. The provisions that are the subject of this action are: (1) An increase in the amount of compensation payable to a veteran who has suffered loss or loss of use of two upper extremities; (2) changes in the amount payable and the effective date of a retroactive DIC (dependency and indemnity compensation) award to a child over 18; (3) an increase in the automobile allowance; (4) limitations on the pension reduction for certain hospitalized pensioners; and (5) changes in the 2-year active duty requirement.

DATES: These changes are effective October 1, 1981 with the exception of changes to 38 CFR 3.12a and 3.551 which are effective October 17, 1981 as specified in section 701 of Pub. L. 97-66.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 6291-6295 of the **Federal Register** of February 11, 1982, the Veterans Administration published proposed amendments of 38 CFR 3.12a, 3.350, 3.551, 3.650, 3.667 and 3.808. Interested persons were given until March 15, 1982, to submit comments, suggestions, or objections to the proposed amendments. None have been received. The regulation amendments are adopted without change and are set forth below.

The Administrator hereby certifies 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), this rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations implement a legislative enactment. They will have no significant impact on small entities.

The agency has determined that these regulations are nonmajor in accordance with Executive Order 12291 because they simply implement statutory requirements and have little or no economic impact, in themselves.

List of Subjects in 38 CFR Part 3

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

(Catalog of Federal Domestic Assistance program numbers are 64.100, 64.104, 64.109 and 64.110)

Approved: May 14, 1982.

Robert P. Nimmo,

Administrator.

PART 3—ADJUDICATION

1. Section 3.12a is revised as follows:

§ 3.12a Minimum active-duty service requirement.

(a) *Definitions.* (1) The term "minimum period of active duty" means, for the purposes of this section, the shorter of the following periods.

(i) Twenty-four months of continuous active duty. Non-duty periods that are excludable in determining the Veterans Administration benefit entitlement (e.g., see § 3.15) are not considered as a break in service for continuity purposes but are to be subtracted from total time served.

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

(2) The term "benefit" includes a right or privilege but does not include a refund of a participant's contributions under 38 U.S.C. Ch. 32.

(b) *Effect on Veterans Administration benefits.* Except as provided in paragraph (d) of this section, a person listed in paragraph (c) of this section who does not complete a minimum period of active duty is not eligible for any benefit under title 38, United States Code or under any law administered by the Veterans Administration based on that period of active service.

(c) *Persons included.* Except as provided in paragraph (d) of this section, the provisions of paragraph (b) of this section apply to the following persons:

(1) A person who originally enlists (enlisted person only) in a regular component of the Armed Forces after September 7, 1980 (a person who signed a delayed-entry contract with one of the service branches prior to September 8, 1980, and under that contract was assigned to a reserve component until entering on active duty after September 7, 1980, shall be considered to have enlisted on the date the person entered on active duty); and

(2) Any other person (officer as well as enlisted) who enters on active duty after October 16, 1981 and who has not previously completed a continuous period of active duty of at least 24 months or been discharged or released from active duty under 10 U.S.C. 1171 (early out).

(d) *Exclusions.* The provisions of paragraph (b) of this section are not applicable to the following cases:

(1) To a person who is discharged or released under 10 U.S.C. 1171 or 1173 (early out or hardship discharge).

(2) To a person who is discharged or released from active duty for a disability adjudged service connected without presumptive provisions of law, or who at time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability.

(3) To a person with a compensable service-connected disability.

(4) To the provision of a benefit for or in connection with a service-connected disability, condition, or death.

(5) To benefits under chapter 19 of title 38, United States Code.

(e) *Dependent or survivor benefits—*(1) *General.* If a person is, by reason of this section, barred from receiving any benefits under title 38, United States Code (or under any other law administered by the Veterans Administration) based on a period of active duty, the person's dependents or survivors are also barred from receiving benefits based on the same period of active duty.

(2) *Exceptions.* Paragraph (e)(1) of this section does not apply to benefits under chapters 19 and 37 of title 38, United States Code. (38 U.S.C. 3103A)

2. Section 3.350 is amended as follows:

(a) By removing the word "rendering" and inserting the word "making" in the first sentence and removing the word "rendered" and inserting the word "done" in the last sentence of paragraph (a)(3)(i).

(b) By removing the word "intermediate" following the word "rate" in paragraph (f)(2)(i) and (iii) and by inserting the word "other" preceding the word "eye" in paragraph (f)(2)(iii).

(c) By revising the introductory portion of paragraph (b) preceding subparagraph (1) and paragraphs (c), (d), (e) and (f)(1) as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance.

* * * * *

(c) *Ratings under 38 U.S.C. 314(m).* (1) The special monthly compensation provided by 38 U.S.C. 314(m) is payable for any of the following conditions:

(i) Anatomical loss or loss of use of both hands;

(ii) Anatomical loss or loss of use of both legs at a level, or with complications, preventing natural knee action with prosthesis in place;

(iii) Anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place with anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place;

(iv) Blindness in both eyes having only light perception;

(v) Blindness in both eyes leaving the veteran so helpless as to be in need of regular aid and attendance.

(2) *Natural elbow or knee action.* In determining whether there is natural elbow or knee action with prosthesis in place, consideration will be based on whether use of the proper prosthetic appliance requires natural use of the joint, or whether necessary motion is otherwise controlled, so that the muscles affecting joint motion, if not already atrophied, will become so. If there is no movement in the joint, as in ankylosis or complete paralysis, use of prosthesis is not to be expected, and the determination will be as though there were one in place.

(3) *Eyes, bilateral.* With visual acuity 5/200 or less or the vision field reduced to 5 degree concentric contraction in both eyes, entitlement on account of need for regular aid and attendance will be determined on the facts in the individual case.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for any of the conditions which follow. Amputation is a prerequisite except for loss of use of both arms. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level, the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(1) Anatomical loss or loss of use of both arms at a level or with complications, preventing natural elbow action with prosthesis in place;

(2) Anatomical loss of both legs so near the hip as to prevent use of a prosthetic applicance;

(3) Anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic applicance with anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance;

(4) Anatomical loss of both eyes.

(e) *Ratings under 38 U.S.C. 314 (o).* (1) The special monthly compensation provided by 38 U.S.C. 314(o) is payable for any of the following conditions:

(i) Anatomical loss of both arms so near the shoulder as to prevent use of a prosthetic appliance;

(ii) Conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314(l) through (n);

(iii) Bilateral deafness rated at 60 percent or more disabling (and the hearing impairment in either one or both ears is service connected) in combination with service-connected blindness with bilateral visual acuity 5/200 or less.

(2) *Paraplegia.* Paralysis of both lower extremities together with loss of anal and bladder sphincter control will entitle to the maximum rate under 38 U.S.C. 314(o), through the combination of loss of use of both legs and helplessness. The requirement of loss of anal and bladder sphincter control is met even though incontinence has been overcome under a strict regimen of rehabilitation of bowel and bladder training and other auxiliary measures.

(3) *Combinations.* Determinations must be based upon separate and distinct disabilities. This requires, for example, that where a veteran who had suffered the loss or loss of use of two extremities is being considered for the maximum rate on account of helplessness requiring regular aid and attendance, the latter must be based on need resulting from pathology other than that of the extremities. If the loss or loss of use of two extremities or being permanently bedridden leaves the person helpless, increase is not in order on acount of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use, of two extremities, or blindness, be taken as entitling to the maximum benefit. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss, or loss of use of both hands and both feet, result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude maximum entitlement.

(4) *Helplessness.* The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as the loss of use of two extremities with absolute deafness and nearly total blindness or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(f) *Intermediate or next higher rate.* An intermediate rate authorized by this paragraph shall be established at the arithmetic mean, rounded to the nearest dollar, between the two rates concerned (38 U.S.C. 314 (p))

(1) *Extremities.* (i) Anatomical loss or loss of use of one foot with anatomical loss or loss of use of one leg at a level, or with complications preventing natural knee action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314(l) and (m).

(ii) Anatomical loss or loss of use of one foot with anatomical loss of one leg so near the hip as to prevent use of prosthetic appliance shall entitle to the rate under 38 U.S.C. 314(m).

(iii) Anatomical loss or loss of use of one foot with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314(l) and (m).

(iv) Anatomical loss or loss of use of one foot with anatomical loss or loss of use of one arm so near the shoulder as to prevent use of a prosthetic appliance shall entitle to the rate under 38 U.S.C. 314(m).

(v) Anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place with anatomical loss of one leg so near the hip as to prevent use of a prosthetic applicance, shall entitle to the rate between 38 U.S.C. 314(m) and (n).

(vi) Anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place with anatomical loss or loss of use of one hand, shall entitle to the rate between 38 U.S.C. 314 (l) and (m).

(vii) Anatomical loss or loss of use of one leg at a level, or with complications,

preventing natural knee action with prosthesis in place with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance, shall entitle to the rate between 38 U.S.C. 314 (m) and (n).

(viii) Anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance with anatomical loss or loss of use of one hand shall entitle to the rate under 38 U.S.C. 314(m).

(ix) Anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314 (m) and (n).

(x) Anatomical loss or loss of use of one hand with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314 (m) and (n).

(xi) Anatomical loss or loss of use of one hand with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic applicance shall entitle to the rate under 38 U.S.C. 314(n).

(xii) Anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance, shall entitle to the rate between 38 U.S.C. 314 (n) and (o).

* * * * *

3. In § 3.551, paragraph (g) is added as follows:

§ 3.551 Reduction because of hospitalization.

* * * * *

(g) *Hospitalization for rehabilitation*—(1) *General.* The reduction required by paragraph (c)(2) or (c)(3) of this section shall not be made for up to three additional calendar months after the last day of the third month referred to in paragraph (c)(2) of this section, or after the last day of the month referred to in paragraph (c)(3) of this section, under the following conditions:

(i) The Chief Medical Director, or designee, certifies that the primary purpose for furnishing hospital or nursing home care during the additional period is to provide the veteran with a prescribed program of rehabilitation under chapter 17 of title 38, United States Code designed to restore the veteran's ability to function within the veteran's family and community; and

(ii) The veteran is admitted to a Veteran's Administration hospital or nursing home after October 16, 1981.

(2) *Continued hospitalization for rehabilitation.* The reduction required by paragraph (c)(2) or (c)(3) of this section shall not be made for periods after the expiration of the additional period provided by paragraph (g)(1) of this section under the following conditions:

(i) The veteran remains hospitalized or in a nursing home after the expiration of the additional period provided by paragraph (g)(1) of this section; and

(ii) The Chief Medical Director, or designee, certifies that the primary purpose for furnishing continued hospital or nursing home care after the additional period provided by paragraph (g)(1) of this section is to provide the veteran with a program of rehabilitation under chapter 17 of title 38, United States Code, designed to restore the veteran's ability to function within the veteran's family and community.

(3) *Termination of hospitalization for rehabilitation.* Pension in excess of $60 monthly payable to a veteran under this paragraph shall be reduced the end of the calendar month in which the primary purpose of hospitalization or nursing home care is no longer to provide the veteran with a program of rehabilitation under chapter 17 of title 38, United States Code designed to restore the veteran's ability to function within the veteran's family and community. (38 U.S.C. 3203(a).)

4. Section 3.650 is amended as follows:

(a) By removing the introductory portion preceding paragraph (a).

(b) By revising the introductory portion of paragraph (a) preceding subparagraph (1) and by adding paragraph (c) so that the added and revised material reads as follows:

§ 3.650 Rate for additional dependent.

(a) *Running awards.* Except as provided in paragraph (c) of this section where a claim is filed by an additional dependent who has apparent entitlement which, if established, would require reduction of pension, compensation or dependency and indemnity compensation being paid to another dependent, payments to the person or persons on the rolls will be reduced as follows:

* * * * *

(c) *Retroactive DIC award to a school child*—(1) *General.* If DIC (dependency and indemnity compensation) is being currently paid to a veteran's child or children under 38 U.S.C. 413(a), and DIC is retroactively awarded to an additional child of the veteran based on school attendance, the full rate payable to the additional child shall be awarded the first of the month following the month in which the award to the additional child is approved. The rate payable under the current award shall be reduced effective the date the full rate is awarded to the additional child. The rate payable to the additional child for periods prior to the date the full rate is awarded shall be the difference between the rate payable for all the children and the rate that was payable before the additional child established entitlement.

(2) *Applicability.* The provisions of paragraph (c)(1) of this section are applicable only when the following conditions are met:

(i) The additional child was receiving DIC under 38 U.S.C. 413(a) prior to attaining age 18; and

(ii) DIC for the additional child was discontinued on or after attainment of age 18; and

(iii) After DIC has been discontinued, the additional child reestablishes entitlement to DIC under 38 U.S.C. 413(a) based on attendance at an approved school and the effective date of entitlement is prior to the date the Veterans Administration receives the additional child's claim to reestablish entitlement. (38 U.S.C. 413(b)).

(3) *Effective date.* This paragraph is applicable to DIC paid after September 30, 1981. If DIC is retroactively awarded for a period prior to October 1, 1981, payment for the period prior to October 1, 1981 shall be made under paragraph (a) of this section and payment for the period after September 30, 1981, shall be made under this paragraph.

5. Section 3.653 is amended as follows:

(a) By inserting the words "or her" following the words "sent to him" in paragraph (c)(1) and (2).

(b) By revising paragraph (b) (gender changes) as follows:

§ 3.653 Foreign resident.

* * * * *

(b) *Retroactive payments.* Any amount not paid to an alien under this section, together with any amounts placed to the alien's credit in the special deposit account in the Treasury or covered into the Treasury as miscellaneous receipts under 31 U.S.C. 123–128 will be paid to him or her on the filing of a new claim. Such claim should be supported with evidence that the alien has not been guilty of mutiny, treason, sabotage or rendering assistance to an enemy, as provided in § 3.902(a). (38 U.S.C. 3109).

* * * * *

6. In § 3.667, paragraph (a)(3) is revised as follows:

§ 3.667 School attendance.

(a) *General.* * * *

(3) An initial award of DIC (dependency and indemnity compensation) to a child in the child's own right is payable from the first day of the month in which the child attains age 18 if the child was pursuing a course of instruction at an approved school on the child's 18th birthday, and if a claim for benefits is filed within 1 year from the child's 18th birthday. In the case of a child who attains age 18 after September 30, 1981, if the child was, immediately before attaining age 18, counted under 38 U.S.C. 411(b) for the purpose of determining the amount of DIC payable to the surviving spouse, the effective date of an award of DIC to the child shall be the date the child attains age 18 if a claim for DIC is filed within 1 year from that date. (38 U.S.C. 3010(e)).

* * * * *

7. In § 3.808, the introductory portion preceding paragraph (a) is revised as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $4,400 (including all State, local and other taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b), and (c) of this section.

* * * * *

[FR Doc. 82-15330 Filed 6-4-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-FRL 2125-5]

Approval and Promulgation of Implementation Plans; Connecticut; Alternative Emission Reductions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this document is to approve the State Implementation Plan (SIP) revision for the Connecticut volatile organic compound (VOC) bubble regulation. This plan revision was prepared by the State to meet the requirements of Part D (Plan requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act, as amended in 1977.

EFFECTIVE DATE: July 7, 1982.

FOR FURTHER INFORMATION CONTACT: Betsy Horne (617) 223-5630.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking (NPR), published February 25, 1982 (47 FR 8212), EPA proposed approval of Regulation 19-508-20 (cc), which was submitted on December 15, 1980. During the public comment period only one letter was received and it fully supported the proposed approval.

The State's submittal and EPA's action were fully explained in the NPR and will not be restated here, except to highlight two points discussed in the NPR.

The first is the inclusion of three additional source categories (miscellaneous metal parts, manufacture of synthesized pharmaceutical products and graphic arts) eligible for bubbling. The NPR indicated that EPA was in the process of approving control limits for the three categories and proposed that they would also be eligible for inclusion under the bubble once their control limits were approved. A final rule approving control limits for these sources was published on February 17, 1982 (47 FR 6827). Therefore, consistent with the NPR, today's final action on the Connecticut bubble regulation includes these industrial sources as eligible to apply to bubble their VOC emissions.

The second concerns calculating equivalency. The NPR indicated that applicable plant owners could "propose emission limits different from those now specified in the SIP, so long as on a solids-applied basis the total allowable emissions for the plant remains the same or is reduced". Consistent with EPA policy, today's action approves in advance any bubble issued by the state which demonstrates equivalency, as described above, based on total plant-wide emissions.

Action

EPA is approving Connecticut Regulation 19-508-20 (cc) as submitted on December 15, 1980 as it applies to Regulation 19-508-20: (m), can coating; (n), coil coating; (o), fabric and vinyl coating; (p), metal furniture coating; (q), paper coating; (r), wire coating; (s), miscellaneous metal parts; (t), manufacture of synthesized pharmaceutical products and (v), graphic arts—rotogravure and flexography.

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 (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110(a) and Sec. 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: May 28, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart H—Connecticut

Section 52.370, paragraph (c) is amended by adding subparagraph (23) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(23) Regulation 19-508-20(cc), Alternative Emission Reductions as it applies to Regulation 19-508-20: (m), can coating; (n), coil coating; (o), fabric and vinyl coating; (p), metal furniture coating; (q), paper coating; (r), wire coating; (s), miscellaneous metal parts; (t), manufacture of synthesized pharmaceutical products and (v), graphic arts—rotogravure and flexography, was submitted on December 15, 1980, and January 11, 1982, by the Commissioner of the Department of Environmental Protection.

[FR Doc. 82-15335 Filed 6-4-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-FRL 2108-2]

Approval and Promulgation of Implementation Plans; New Hampshire Revisions—Ozone; Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this document is to approve in part the State Implementation Plan (SIP) revisions for the State of New Hampshire involving operating permits with compliance schedules for six major sources of volatile organic compounds (VOC). These permits were submitted by the State in response to a condition for approval imposed on the ozone control portion of the SIP in the April 11, 1980 Federal Register (45 FR 24869). The intended effect of this action is to reduce the amount of hydrocarbons released from stationary sources, thereby decreasing the amount of ozone (a component of "smog") formed in the atmosphere.

EFFECTIVE DATE: This action will be effective August 6, 1982 unless notice is received on or before July 7, 1982, someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be sent to Harley F. Laing, Chief, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Copies of the New Hampshire submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20400; Office of the Federal Register, 1100 L Street, NW., Washington, D.C.; and Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301.

FOR FURTHER INFORMATION CONTACT: Alan E. Dion, (617) 223–5630.

SUPPLEMENTARY INFORMATION: In the April 11, 1980 Federal Register (45 FR 24869) EPA conditionally approved the Ozone Attainment Plan for the Merrimack Valley—Southern New Hampshire Interstate Air Quality Control Region. New Hampshire is a rural nonattainment state, for which EPA requires the implementation of RACT controls as expeditiously as practicable only on sources with the potential to emit more than 100 tons per year (TPY). It was EPA's view that most VOC sources were capable of achieving compliance within one to two years. The New Hampshire VOC control regulation submitted on May 29, 1979, allowed affected sources until December 31, 1982 to achieve compliance, without any requirement to justify the period of time needed or to set increments of progress toward compliance. Since this was not consistent with EPA policy, this portion of the 1979 SIP was approved on the condition that the State submit operating permits with schedules for expeditious compliance by all regulated sources. In response the State submitted permits on May 2, 1980 and May 16, 1980 for the nine major VOC sources affected by the conditional approval.

Two of these sources, Markem Corporation and Velcro USA, Inc., have permits which contain compliance schedules that limit their allowable emissions to less than 100 TPY before the end of 1982. Since EPA policy allows the use of permits to define limitations of a source's potential to emit (see August 22, 1980 Memorandum from Richard Rhoads to Tom Devine, available at the locations listed in the ADDRESSES section), and since under these permits the affected sources will emit less than 100 TPY, these compliance schedules are approvable. On January 8, 1982, the state submitted a revised permit for Velcro USA extending its compliance date to April 1, 1982. EPA finds this extension approvable.

One source, the Oak Materials Group, has converted its solvent usage to methylene chloride. Methylene chloride is a solvent which is exempt from control under the New Hampshire VOC regulations. EPA stated in the April 11, 1980 Federal Register (45 FR 24871) that it does not encourage the use of an exempt solvent like methylene chloride to achieve compliance, since it has been identified as mutagenic in bacterial and mammalian cell test systems and is therefore a possible carcinogen or mutagen to humans. Nonetheless, EPA also stated that it would not disapprove a SIP for allowing use of methylene chloride, and this permit is therefore approvable.

Two more sources, Mobil Oil Corporation and ATC Petroleum, Inc., have compliance schedules which call for utilizing Reasonably Available Control Technology (RACT) measures to achieve compliance by the end of 1982. These schedules are approvable.

Additionally, on November 20, 1981, the State submitted a revised permit for Nashua Corporation's Nashua facility. The state compliance schedule requires that the only regulated line emit less than 100 tons per year by the end of 1985. The line coats a pressure sensitive recorder paper which cannot be converted to low solvent. Furthermore, the product is being phased out since there is no long-term demand for it. Therefore, if the company was required to achieve the CTG limit, it would be compelled to buy and install add-on control equipment which would be used for less than three years. EPA has reviewed the compliance schedule for this facility and has determined that it represents RACT.

EPA does not have sufficient data to make a compliance determination for Ideal Tape, for Nashua Corporation's Merrimack facility or for Essex Group. Through the State Air Agency, EPA has requested additional information from these three sources to support each of their RACT demonstrations, and EPA will take no action on these permits at this time.

Since the Agency views this SIP revision as noncontroversial and routine, EPA is today approving it without prior proposal. The public should be advised that this action will be August 6, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Action

EPA is approving the operating permits with compliance schedules for ATC Petroleum, Inc., Nashua Corporation (Nashua), Markem Corporation, Mobil Oil Corporation, Oak Materials Group, and Velcro USA, Inc. EPA is taking no action on Ideal Tape, Essex Group and Nashua Corporation (Merrimack).

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

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 (60 days from today). 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, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a))

Dated: May 28, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

Section 52.1520, paragraph (c) is amended by adding subparagraph (20) as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(20) Revisions to meet the requirements of Part D for the Ozone Control Plan were submitted on May 2, 1980; May 16, 1980; November 20, 1981 and January 8, 1982. Included are operating permits with compliance schedules for: ATC Petroleum, Inc., Markem Corporation, Mobil Oil Corporation, Oak Materials Group, Velcro USA, Inc., and Nashua Corporation's Nashua facility.

[FR Doc. 82-15367 Filed 6-4-82; 8:45 am]

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40 CFR Part 420

[WH-FRL 2142-3]

Iron and Steel Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards, Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On May 27, 1982, EPA promulgated regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in manufacturing steel. 47 FR 23258. Inadvertently, EPA announced in the **"DATE"** section of the **Federal Register** publication that the regulation "shall become effective May 27, 1982", on publication. This statement was incorrect. The **"DATE"** section should instead read as set forth below. The purpose of this notice is to inform the public of the correct effective dates of the regulation.

DATE: This regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on June 10, 1982. It shall become effective July 10, 1982. The compliance date for the BAT regulations is as soon as possible, but in any event no later than July 1, 1984. The compliance date for New Source Performance Standards (NSPS) and Pretreatment Standards for New Sources (PSNS) is the date the new source begins operations. The compliance date for Pretreatment Standards for Existing Sources (PSES) is within 3 years after this rule becomes effective.

Under Section 509(b)(1) of the Clean Water Act judicial review of this regulation can be made only by filing a petition for review in the United States Court of Appeals within 90 days after the regulation is considered issued for purposes of judicial review. Under Section 509(b)(2) of the Clean Water Act, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Technical information and copies of technical documents may be obtained from Mr. Ernst P. Hall (202-426-2586), at: Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The economic analysis may be obtained from Mr. Robert Greene, Office of Policy Analysis (PM 220), at the same address.

Dated: June 3, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-15589 Filed 6-4-82; 9:29 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 71, 91, 107, 111 and 189

[CGD 81-039a]

Disestablishment of Merchant Marine Technical Branch, Fifth Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: As a result of an evaluation of its Merchant Marine Technical Branch field organization, the Coast Guard decided to disestablish the Merchant Marine Technical Branch of the Fifth Coast Guard District, Portsmouth, Virginia. As of July 1, 1981, the plan review duties for the geographical area served by the Fifth Coast Guard District were assumed by the Merchant Marine Technical Branch, Third Coast Guard District, New York, NY. Those directly affected by this action were notified directly in March 1981 by CCGD5 (mmt).

DATE: Disestablishment was effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT: LCDR David B. Anderson, Merchant Marine Technical Division (G-MMT-4/13), Room 1300C, Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, D.C. 20593 (202-426-2197).

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in the drafting of this rule are LCDR David B. Anderson, Project Manager, Office of Merchant Marine Safety and Mr. Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

Discussion

The Coast Guard has completed an evaluation of its Merchant Marine Technical Branch field organization, taking into account many factors including personnel considerations and system efficiency. As a result, the Commandant concluded that a consolidation of the Merchant Marine Technical Branches of the Third and Fifth Coast Guard Districts was necessary for improved overall plan review efficiency, quality and consistency. Accordingly, the workload and military personnel previously assigned to the Fifth District's Merchant Marine Technical Branch were reassigned to the Third Coast Guard District.

Shipyards, designers and other businesses and persons within the geographical area of the Fifth Coast Guard District who are directly affected by this action were informed by letter from CCGD5 (mmt) in March 1981.

Because these amendments are of an administrative nature concerning the organization of the Coast Guard, they have no economic or environmental impacts. Therefore, it is not necessary to prepare a Regulatory Impact Analysis, Environmental Assessment, Regulatory Flexibility Analysis, or final evaluation.

Since this amendment relates to departmental rules of organization, it is excepted from notice and public procedures requirements. It is made effective immediately because it is not a substantive rule.

List of Subjects in 46 CFR Parts 50, 71, 91, 107, 111, and 189

Marine safety, Vessels, Organization and functions (government agencies).

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is amended as follows:

PART 50—GENERAL PROVISIONS

1. In § 50.20-5, by removing and reserving paragraph (d)(5) and revising paragraph (d)(1) to read as follows:

§ 50.20-5 Procedures for submittal of plans.

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