| Type of course | Monthly rate |
|---|---|
| ¾ time | $294. |
| ½ time | $196. |
| Correspondence | 55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly.[3] |

[1] If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed $242 or $121, as appropriate, per month, if the maximum allowance is not initially authorized.

[2] See footnote 5 of § 21.4270(c) for measurement of full time and § 21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

[3] Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State Approving agency or the actual cost to the eligible spouse of surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons.

(Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2))

* * * * *

**§ 21.3300 [Amended]**

4. In § 21.3300, paragraph (c) is amended by removing ''$119'' and adding, in its place, ''$152''.

**§ 21.3333 [Amended]**

5. In § 21.3333, paragraph (a) is amended by removing ''$404'' and adding, in its place, ''$485'', and by removing ''$127'' both places it appears and adding, in its place, ''$152''; and paragraph (b)(1) is amended by removing ''$13.46'' and adding, in its place, ''$16.16'', and by removing ''$404'' and adding, in its place, ''$485''.

[FR Doc. 98–32646 Filed 12–8–98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 1

**[FRL–6200–1]**

## Changes to Regulations Concerning Membership of EPA's Environmental Appeals Board

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The EPA amends its regulations establishing the Environmental Appeals Board by increasing the limit on the number of Board members from three to four. The workload of the Environmental Appeals Board has increased since it was established. This action ensures that the Board can respond effectively to the growing workload.

**EFFECTIVE DATE:** These regulations are effective on December 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ronald L. McCallum, Esq., Environmental Appeals Board, 401 M Street, SW., Washington, DC 20460, (202) 501–7060.

**SUPPLEMENTARY INFORMATION:** On February 13, 1992, EPA promulgated regulations establishing the Agency's Environmental Appeals Board. The regulations contemplated a three-member Board. In recognition of the Board's increasing workload, the Agency is through this rule increasing the limit on the number of Board members from three to four.

### Reasons for Change

The past several years have seen a significant increase in the Environmental Appeals Board's workload. The cause of the workload increase has been two-fold. First, there has been an increase in the number of appeals to the Board pursuant to the authorities which were part of the original delegation to the Board in the 1992 regulations. For example, the number of appeals of Prevention of Significant Deterioration (PSD) permits issued under the Clean Air Act has increased dramatically. During FY 1995, only two PSD appeals were received by the Board. In sharp contrast, twenty-four PSD appeals were received during FY 1997, and twenty-nine such appeals were received during FY 1998. Second, the Board's jurisdiction has expanded over the past several years to encompass such matters as petitions for reimbursement filed under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), further increasing the Board's workload. Other areas in which the Board's jurisdiction has expanded include, for example, acid rain appeals under 40 CFR Part 78, Title V federal permit appeals under 40 CFR Part 71, and certain Safe Drinking Water Act penalty appeals. Notably, the Agency currently has underway a number of rulemakings which can be expected to further tax the Board as currently constituted.

Through this rule, the Agency is responding to this increasing workload by raising the limit on the number of Board members from three to four. The current regulations envision the Board sitting as a panel on cases pending before it. They provide that, while ordinarily all three members will sit as a panel, the Board can proceed with two members if all three are not available because of recusal or absence. In the event that a two-member panel results in a tie, the matter is referred to the Administrator to break the tie.

The changes made today envision the Board typically sitting in three-member panels drawn, on a rotating basis, from a four member Board. The ''off'' member will then be able to dedicate his/her energies to bringing other matters to conclusion. In addition to leaving the Board better positioned to respond to its workload, this change, while preserving the capacity of the Board to act with two members, will increase the probability of three-member panels notwithstanding absences and recusals, and will concomitantly decrease the probability of the Administrator's being required to break a tie.

### Administrative Requirements

EPA has found that good cause exists under 5 U.S.C. 553 (b)(3) (A), (B) and (d)(3) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to these rules and revocations. This rulemaking is related solely to EPA's organization, procedure, and practice. Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as

specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998)), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. EPA has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because the regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

### List of Subjects in 40 CFR Part 1

Environmental protection, Statement of Organization and General Information.

Dated: December 3, 1998.

**Carol M. Browner,**

*Administrator, Environmental Protection Agency.*

For the reasons set forth in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as follows:

## PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION:

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

**Authority:** 5 U.S.C. 552.

2. Section 1.25 is amended by revising paragraph (e)(1) to read as follows:

**§ 1.25 Staff Offices.**

* * * * *

(e)(1) Environmental Appeals Board. The Environmental Appeals Board is a permanent body with continuing functions composed of no more than four Board Members designated by the Administrator. The Board shall decide each matter before it in accordance with applicable statutes and regulations. The Board typically shall sit on matters before it in three-Member panels, and shall decide each matter by a majority vote. In the event that absence or recusal prevents a three-Member panel, the Board shall sit on a matter as a panel of two Members, and two Members shall constitute a quorum under such circumstances. The Board in its sole discretion shall establish panels to consider matters before it. The Board's decisions regarding panel size and composition shall not be reviewable. In the case of a tie vote, the matter shall be referred to the Administrator to break the tie.

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[FR Doc. 98–32684 Filed 12–8–98; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[MD055–3021; FRL–6199–3]**

## Approval and Promulgation of Air Quality Implementation Plans; Maryland; Stage II Vapor Recovery Comparability Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision concerns a plan which demonstrates that the emissions reductions of volatile organic compounds (VOC) required in ozone attainment and marginal ozone nonattainment areas in Maryland are comparable to the reductions which would be achieved by Stage II vapor recovery (Stage II) in those same areas. EPA is approving the Stage II comparability plan in the State of Maryland in accordance with the Clean Air Act (the Act).

**DATES:** This rule is effective on February 8, 1999, without further notice unless EPA receives adverse written comment by January 8, 1999. Should EPA receive such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be mailed to Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore Maryland 21224.

**FOR FURTHER INFORMATION CONTACT:** Ruth E. Knapp, (215) 814–2191, or by e-mail at knapp.ruth@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On November 5, 1997, the State of Maryland submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of a demonstration of how control measures already being implemented are achieving comparable emission reductions as would be achieved by a Stage II vapor recovery program. Section 184(b) of the Act requires states in the Ozone Transport Region (OTR) to implement control measures that achieve emission reductions comparable to implementing Stage II, or to implement a Stage II program. This requirement applies in all areas not already required to implement Stage II based on their ozone nonattainment classification. All areas in Maryland that are classified as serious ozone nonattainment areas or above have already implemented the Stage II program. As the entire State of Maryland is within the OTR, the Stage II comparability requirement applies in all of its ozone attainment areas and marginal ozone nonattainment areas.

### Summary of SIP Revision

On November 5, 1997, the State of Maryland submitted a formal revision to its SIP. The SIP revision consists of an explanation of the VOC emission reductions required by control measures comparable to Stage II vapor recovery in Maryland's marginal ozone