effect on State, local, or tribal governments.

Catalog of Federal Domestic Assistance Program Numbers

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: September 5, 2000.

Thomas O. Gessel,

Director, Office of Regulations Management.

For the reasons set out in the preamble, 38 CFR part 21, subpart K, is amended as follows:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

1. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

§ 21.7136 [Amended]

2. Section 21.7136 is amended by:

A. In the chart in paragraph (b)(2), removing ''$187.50'' and adding, in its place, ''187.60''.

B. In the chart in paragraph (c)(1), removing ''$216.00'' both places it appears and adding, in both place, ''$218.00''; and by removing ''$108.00'' and adding, in its place, ''109.00''.

§ 21.7137 [Amended]

3. Section 21.7137 paragraph (a)(1), is amended in the chart by:

A. Removing ''$543.00'' and adding, in its place, ''$543.50''.

B. Removing ''$593.00'' and adding, in its place, ''$593.50''.

C. Removing ''$395.00'' and adding, in its place, ''$395.50''.

[FR Doc. 00–23338 Filed 9–12–00; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 217–0258; FRL–6865–9]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of a revision to the San Joaquin Valley Air Pollution Control District's portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on April 17, 2000 and concerns volatile organic compound (VOC) emissions from adhesives. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves a local rule that regulates this emission source and directs California to correct rule deficiencies.

EFFECTIVE DATE: This rule is effective on October 13, 2000.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies of the submitted SIP revision at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg, Fresno, CA 93726.

FOR FURTHER INFORMATION CONTACT: Yvonne Fong, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1199.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On April 17, 2000 (65 FR 20421), EPA proposed a limited approval and limited disapproval of the following rule that was submitted for incorporation into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	4653	Adhesives	03/19/98	09/29/98

We proposed a limited approval because we determined that this rule improves the SIP and is largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. These provisions include the following:

1. Rule 4653 establishes VOC limits for adhesives used for three specific applications and for solvents used in surface preparation which do not meet Reasonably Available Control Technology (RACT) levels of control. The three VOC limits that exceed RACT are for the application of adhesives on porous substrates and the application of contact adhesives labeled exclusively for bonding of single-ply roofing materials and immersible products.

2. Under section 4.1.1, certain exempt operations which may potentially use noncompliant materials are only required to maintain monthly records. Any use of noncompliant materials, however, necessitates that daily records be kept to demonstrate compliance with the rule.

3. Section 4.1.9 exempts contact adhesives subject to 16 CFR part 1302 although compliant formulations of these products that perform adequately already exist in the market place. Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittal.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received comments from the following parties.

1. Matt Stewart, DAP Inc.; letter May 16, 2000 and received by facsimile on May 17, 2000.

2. H. Allen Irish, National Paint and Coatings Association (NPCA); letter dated May 16, 2000 and received by facsimile on May 17, 2000.

3. Mark Collatz, The Adhesive and Sealant Council, Inc., (ASC); letter dated May 15, 2000. The comments and our responses are summarized below.

Comment: All three commenters offered similar arguments for allowing the exemption in section 4.1.9 of Rule 4653 for contact adhesives subject to 16 CFR part 1302. They stated that retail consumers have had limited success using compliant products because of their inattention to application techniques and inability to control application conditions. For example, retail consumers fail to adequately prepare substrates, control humidity, and apply sufficient pressure. The commenters also argued that EPA did not have a legal basis for disapproving the section 4.1.9 exemption because, among other reasons, control of the exempted activity is not needed to fulfill CAA RACT requirements.

Response: EPA concurs that this exemption does not interfere with RACT requirements because it is unlikely that sources subject to the exemption would be major sources subject to RACT requirements. Therefore, we are not finalizing our disapproval of this exemption and are removing this rule deficiency as a condition of our limited disapproval.

Comment: NPCA also commented that our disapproval of VOC limits contained in Rule 4653 for specialty contact adhesives which are labeled exclusively for the bonding of single-ply roof material or immersible products is arbitrary and not supported by technical analysis. NPCA claims that the limits in Rule 4653 for these uses are consistent with RACT.

Response: EPA is relying on the technical and economic assessments done by California agencies in developing the California Air Resources Board's ''Determination of Reasonably Available Control Technology (RACT) and Best Available Retrofit Control Technology (BARCT) for Adhesives and Sealants (December 1998)'' to help establish presumptive RACT limits. Under Rule 4653, the 400 g/L limit allowed for these sources through January 2001 and the 250 g/L limit allowed thereafter clearly exceed these RACT levels. While deviations from presumptive RACT levels are possible, it is the state's and not EPA's obligation to justify that any deviations still fulfill CAA RACT requirements. In the technical support document associated with our April 17, 2000 proposed disapproval, we described one format for a possible state demonstration. We maintain that the limits for specialty contact adhesives labeled exclusively for bonding single-ply roof material or immersible products fail to meet RACT and that these limits should be revised to correct this rule deficiency. This rule deficiency remains a condition of our limited disapproval.

III. EPA Action

The submitted comments relating to the section 4.1.9 exemption change our assessment of that provision as a rule deficiency and is no longer one of our grounds for a limited disapproval of Rule 4653. Other submitted comments, however, do not affect our decisions regarding the deficiencies described as items 1 and 2 under the above section entitled ''Proposed Action.'' Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a limited approval of the submitted rule. This action incorporates the submitted rule into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rule. As a result, sanctions will be imposed unless EPA approves a subsequent SIP revision that corrects the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve a subsequent SIP revision that corrects the rule deficiencies within 24 months. Note that the submitted rule has been adopted by the SJVUAPCD, and EPA's final limited disapproval does not prevent the local agency from enforcing it.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not

issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's action because it does not require the public to perform activities conducive to the use of VCS.

H. Submission to Congress and the Comptroller General

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. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 22, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

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

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(266)(i)(B)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(266) * * *

(i) * * *

(B) * * *

(*2*) Rule 4653, adopted on March 19, 1998.

* * * * *

[FR Doc. 00–23376 Filed 9–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI91–01–7322; FRL–6845–7]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: We are approving a site-specific revision to the Wisconsin sulfur dioxide (SO_2) State Implementation Plan (SIP) for Murphy Oil located in Superior, Wisconsin. The Wisconsin Department of Natural Resources (WDNR) submitted this SIP revision on February 26, 1999 in response to a request for an alternate SO_2 emission limitation by Murphy Oil. This final approval is based on the proposal published on August 16, 1999 at 64 FR 44451. As stated in the proposal, there will not be a second comment period on this action. The rationale for the approval and other information are provided in this notice.

EFFECTIVE DATE: This action is effective on October 13, 2000.

ADDRESSES: Copies of the SIP revision, public comments, and other materials relating to this action are available for inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please contact Christos Panos at (312) 353–8328, before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch, Air and Radiation Division (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION: This supplementary information section is organized as follows:

A. What action is EPA taking today?
B. Why was this SIP revision submitted?
C. What is the background for this rulemaking?
D. Why can EPA approve this request?
E. What comments were submitted to EPA?

A. What Action Is EPA Taking Today?

We are approving WDNR's February 26, 1999 request for a site-specific revision to the Wisconsin SO_2 SIP. Specifically, we are approving: (A) the SO_2 emission limits contained in Wisconsin Air Pollution Control Operation Permit No. 95-SDD–120-OP, issued by the WDNR to Murphy Oil, USA on February 17, 1999; and (B) a modeled attainment demonstration assessing the impact of the alternate SO_2 limits for Murphy Oil, located in Superior (Douglas County), Wisconsin. Today's approval is based on the proposal published on August 16, 1999 at 64 FR 44451. As stated in the proposal, there will not be a second comment period on this action.

B. Why Was This SIP Revision Submitted?

Murphy Oil owns and operates a petroleum refinery in Superior, Wisconsin. The categorical statewide emission limit that we had approved on May 21, 1993 for any process heater firing residual fuel oil at petroleum refineries is 0.8 pounds of SO_2 per million British Thermal Units (lbs/MMBTU). Residual fuel oil is defined as an industrial fuel oil of grade No. 4, 5 or 6, as determined by the American Society for Testing and Materials. Also included in our May 21, 1993 final approval of Wisconsin's statewide SO_2 rules was NR 417.07(5), which established the state's procedures for sources to obtain alternate emission limitations. However, in both our January 2, 1992 proposed rulemaking and our May 21, 1993 final action, we noted that Wisconsin had to submit all relaxed state limits for approval as site-specific SIP revisions pursuant to section 110 of the Clean Air Act (CAA). We also stated that any previous SIP limitations would remain in effect and enforceable until we approved the proposed relaxed limitations into the SO_2 SIP.

Both our alternative emission limit requirements and WDNR's NR 417.05(5) require, among other things, that before an alternate emission limit can be approved, it must be demonstrated that the proposed alternate limit will not delay attainment or prevent maintenance of the applicable National Ambient Air Quality Standards (NAAQS). Additionally, the federal requirement limits the demonstration to no more than 75 percent of the NAAQS. Murphy Oil has requested an alternate emission limit of 3.0 lbs/MMBTU for any combustion unit when combusting #6 fuel oil. The WDNR air quality modeling evaluates this alternate limit in comparison to the SO_2 NAAQS. Additional information is available in our June 7, 1999 Technical Support Document (TSD).

C. What Is the Background for This Rulemaking?

On April 26, 1984 we notified the Governor of Wisconsin that the Wisconsin SO_2 SIP was inadequate to ensure the protection of the primary and secondary SO_2 NAAQS. The state responded to the notice of SIP deficiency with a statewide SO_2 emission limitations rule (NR 417.07). On January 2, 1992 at 57 FR 25, we proposed to approve the majority of Wisconsin's statewide SO_2 rules. A final approval of the majority of NR 417.07 was published on May 21, 1993 at 58 FR 29538. (We took no action on NR 417.07(2)(e) and NR 417.07(2)(f).)

As allowed under NR 417.07(5), Murphy Oil initially submitted a request for an alternate SO_2 emission limit in 1985 and proposed the first alternate SO_2 emission limitations in 1986. The WDNR concluded in an August 1988 memorandum that Murphy Oil's request for an alternate SO_2 emission limit was approvable. However, the state did not proceed at that time to propose an operating permit incorporating the alternate emission limit or to request public input on the proposed alternate emission limit, as required by the state rule.

On February 26, 1999 the state submitted a site-specific SIP revision for Murphy Oil and requested that we approve the alternate SO_2 emission limits for Murphy Oil into the Wisconsin SO_2 SIP. We concluded in our June 7, 1999 TSD that the modeled attainment demonstration using the alternate SO_2 limits was fully approvable. Given this, and because the source had followed the procedures of Wisconsin State Rule NR 417.07(5) for obtaining alternate emission limits, which we had approved on May 21, 1993, we proceeded to approve the SIP submittal as a Direct Final **Federal Register** document.

EPA published a direct final action approving the alternate SO_2 emission limits for Murphy Oil on August 16,