(Authority: 38 U.S.C. 501)

3. In § 1.631, an authority citation is added at the end of the section to read as follows:

§ 1.631 Eligibility for headstone or marker.

* * * * *

(Authority: 38 U.S.C. 2306)

4. Section 1.633 and its authority citation are added to read as follows:

§ 1.633 Group memorial monuments.

(a) *Definitions of terms.* For the purpose of this section, the following definitions apply:

(1) Group—all the known and unknown dead who perished in a common military event.

(2) Memorial Monument—a monument commemorating veterans, whose remains have not been recovered or identified. Monuments will be selected in accordance with policies established under 38 CFR 1.630.

(3) Next of kin—recognized in order: Surviving spouse; children, according to age; parents, including adoptive, stepparents, and foster parents; brothers or sisters, including half or stepbrothers and stepsisters; grandparents; grandchildren; uncles or aunts; nephews or nieces; cousins; and/or other lineal descendent.

(4) Documentary evidence—Official documents, records, or correspondence signed by an Armed Services branch historical center representative attesting to the accuracy of the evidence.

(b) The Secretary may furnish at government expense a group memorial monument upon request of next of kin. The group memorial monument will commemorate two or more identified members of the Armed Forces, including their reserve components, who died in a sanctioned common military event, (e.g., battle or other hostile action, bombing or other explosion, disappearance of aircraft, vessel or other vehicle) while in active military, naval or air service, and whose remains were not recovered or identified, were buried at sea, or are otherwise unavailable for interment.

(c) A group memorial monument furnished by VA may be placed only in a national cemetery in an area reserved for such purpose. If a group memorial monument has already been provided under this regulation or by any governmental body, e.g., the American Battle Monuments Commission, to commemorate the dead from a common military event, an additional group memorial monument will not be provided by VA for the same purpose.

(d) Application for a group memorial monument shall be submitted in a manner specified by the Secretary. Evidence used to establish and determine eligibility for a group memorial monument will conform to paragraph (a)(4) of this section.

(Authority: 38 U.S.C. 501, 2403)

[FR Doc. 92-23115 Filed 9-23-92; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-11-1-5532; FRL-4506-9]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Volatile Organic Compound Reasonably Available Control Technology Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today's notice approves revisions to the Texas State Implementation Plan (SIP) as submitted by the Governor on the following days: March 5, 1990; July 13, 1990; May 10, 1991; and September 30, 1991. These revisions consist of changes to the Texas Air Control Board (TACB), Regulation V (31 TAC Chapter 115), "Control of Air Pollutants from Volatile Organic Compounds". This rulemaking is necessary because EPA found that the Texas SIP was substantially inadequate to achieve compliance with the National Ambient Air Quality Standard (NAAQS) for ozone in the following eight counties: Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant. On May 26, 1988, EPA advised the State of Texas that its ozone SIP was inadequate and that certain regulations identifying reasonably available control technology (RACT) for volatile organic compounds (VOC) were deficient (SIP call). EPA notified the State that it must correct those deficiencies as part of its effort to develop an adequate SIP. On November 15, 1990, the Clean Air Act was amended to require correction of the deficiencies as identified by EPA (section 182(a)(2)(A)). The intended effect of this action is to approve the revised VOC RACT rules for the Texas SIP as it applies to the above counties because these rules are consistent with the requirements of the SIP call and section 182(a)(2)(A) of the amended Act. This action is being taken under section 110 and Part D of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on October 26, 1992.

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 6 (6T-AP), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Texas Air Control Board, 12124 Park 35 Circle, Austin, Texas 78753.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robin M. Moran, EPA Region 6, Air Programs Branch, telephone (214) 655-7254.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** on November 24, 1987, EPA's Proposed Post-1987 Policy for Ozone and Carbon Monoxide stated that air quality monitors revealed continued exceedances of the ozone standard in certain Texas areas and that a "SIP call" would be issued (See 52 FR 45044). A SIP call is a finding by EPA that the SIP does not provide for attainment by the required date.[1] On May 26, 1988, EPA sent a letter to William P. Clements, Jr., Governor of Texas, pursuant to section 110(a)(2)(H) of the pre-amended Clean Air Act, notifying the State that the Texas SIP was substantially inadequate to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in certain areas of the State. EPA requested the State to respond to the SIP call in two phases. Pursuant to the first phase, the State was to: (1) Correct identified deficiencies in the existing SIP's VOC regulations; (2) adopt VOC regulations previously required or committed to but never adopted; and (3) update the areas' base year emissions inventory. These requirements were clarified in a June 9, 1988, letter from William B. Hathaway, Director of the EPA Region 6 Air, Pesticides and Toxics Division, to Allen Eli Bell, Executive Director of the Texas Air Control Board (TACB).

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. Under the amended Act, those areas that were designated nonattainment before enactment of the Amendments, and which retained that designation and were classified as marginal or above as

[1] Under the pre-amended Act, section 110(a)(2)(H) provided for a finding by the Administrator that a "plan is substantially inadequate to achieve the [NAAQS]." This provision was carried forth under the amended Act. In addition, section 110(k)(5) of the amended Act reinforces the Agency's authority to make such a finding.

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of enactment, were required to meet the section 182(a)(2)(A) RACT fix-up requirement by May 15, 1991.[2] Under section 182(a)(2)(A), those areas were required to correct RACT as it was required under pre-amended section 172(b) as that requirement was interpreted in pre-amendment guidance.[3] As part of the SIP call, EPA identified deficiencies in the existing VOC RACT regulations and indicated corrections necessary for specific nonattainment areas. In response to the Post-1987 SIP call requirement to correct VOC RACT rule deficiencies, the Governor submitted revisions to TACB Regulation V on the following dates: March 5, 1990; July 16, 1990; May 10, 1991; and September 30, 1991.

The TACB adopted revisions to the VOC RACT rules in a series of actions. On March 29, 1988, the Governor of Texas submitted revisions to TACB Regulation V intending to satisfy a commitment in the 1982 Harris County SIP to adopt Set III CTGs, as published by EPA.[4] However, EPA is not taking action on the March 29, 1988, submittal because the revisions contained therein have been substantially revised and recodified in subsequent submittals that revised Regulation V for the following eight counties: Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant.

In a letter dated March 5, 1990, the Governor of Texas noted the repeal of TACB Regulation V (31 TAC Chapter 115) as it existed and submitted for incorporation into the SIP the new Regulation V, adopted by TACB on December 8, 1989.[5] The second submittal, dated July 16, 1990, contained subsequent revisions to Regulation V as adopted June 22, 1990. All but one portion of the July 16, 1990, submittal was already approved by EPA on October 12, 1990 (55 FR 41523).[6] The third submittal, dated May 10, 1991, contained corrections to Regulation V as adopted on that day. The fourth submittal, dated September 30, 1991, contained revisions to TACB Regulation V, which the State adopted on September 20, 1991, including capture efficiency test methods.

On April 14, 1992 (57 FR 12903), EPA published a notice of proposed rulemaking in the **Federal Register** to approve the above rules into the Texas State Implementation Plan because they corrected the specified deficiencies identified under the SIP call and satisfied the requirements of section 182(a)(2)(A) of the Clean Air Act. For a complete discussion of EPA's evaluation of the submitted rules, the reader is directed to the **Federal Register** notice referenced above. It should be noted that the notice of proposed rulemaking incorrectly listed the fourth Governor's submittal date as September 10, 1991; the correct submittal date is September 30, 1991. EPA provided a 30-day comment period on the notice of proposed rulemaking. No adverse public comments were received.

ACTION: EPA approves revisions to the Texas State Implementation Plan as submitted by the Governor on March 5, 1990, July 16, 1990, May 10, 1991 and September 30, 1991. These revisions to the VOC RACT rules satisfy the requirements of the May 26, 1988, SIP call and the RACT fix-up requirements of section 182(a)(2)(A) of the amended Act. The recodification meets the requirements of section 110 and part D of the Clean Air Act, as amended.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of the state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. § 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Today's action makes final the action proposed on April 14, 1992, at 57 FR 12903. As noted elsewhere in this notice, EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 1 to Table 2 under the processing procedures established at 54 FR 2214, January 19, 1989.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures established in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years (54 FR 2222). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 1992. Filing a petition for reconsideration of this final rule by the Administrator 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

[2] The classification of areas in Texas is as follows: Dallas-Fort Worth area—moderate; Beaumont-Port Arthur area—serious; El Paso area—serious; Houston-Galveston-Brazoria area—severe.

[3] Among other things, the pre-amendment guidance consists of those portions of the Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (for which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTGs.

[4] See August 3, 1984, **Federal Register** notice (49 FR 31066).

[5] EPA has already taken action on a portion of the March 5, 1990, submittal. That portion, Subchapter C: Volatile Organic Compound Marketing Operations, Control of Reid Vapor Pressure of Gasoline, was approved on August 3, 1990 (55 FR 31584).

[6] The July 16, 1990, submittal included revisions to Regulation V, Subchapter E: Solvent Using Processes, Surface Coating Processes, section 115.421, 115.425, and 115.429. For additional information see the October 12, 1990, Federal Register (55 FR 41523).

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enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: September 9, 1992.

Joe D. Winkle,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

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

Authority: 42 U.S.C. 7401–7671q.

PART 52—[AMENDED]

Subpart SS—Texas

2. Section 52.2270 is amended by adding paragraph (c)(77) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(77) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, were submitted by the Governor on March 5, 1990, July 16, 1990, May 10, 1991, and September 30, 1991.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on December 8, 1989.

(B) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on June 22, 1990: 115.425(1)(D) and 115.425(1)(E).

(C) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on May 10, 1991: 115.010—Definitions for coating, coating line, leak, pounds of volatile organic compounds (VOC) per gallon of coating (minus water and exempt solvents), pounds of volatile organic compounds (VOC) per gallon of solids, printing line, volatile organic compound (VOC), 115.112(c), 115.114 introductory paragraph, 115.114(3), 115.116(1), 115.116(3)(B) through 115.116(3)(D), 115.119(a)(1), 115.119(a)(2), 115.122(a)(3), 115.126(1)(B) through 115.126(1)(E), 115.129(a)(1), 115.129(a)(2), 115.132(a)(4), 115.136, 115.139(a)(1), 115.139(a)(2), 115.212(a)(4), 115.212(a)(5), 115.212(a)(6), 115.215(5), 115.216(2)(B) through 115.216(2)(D), 115.219(a)(1) through 115.219(a)(3), 115.222(7) through 115.222(9), 115.229(1), 115.229(2), 115.239, 115.315(2), 115.316(1)(A) through 115.316(1)(D), the repeal of 115.317, 115.319(1), 115.319(2), 115.322(4), 115.324(1)(A), 115.324(1)(B), 115.324(2)(A) through 115.324(2)(E), 115.325(2), 115.327(1) through 115.327(5), 115.329 introductory paragraph, 115.329(1), 115.329(2) 115.332 introductory paragraph, 115.332(4), 115.334(1)(D), 115.334(1)(E), 115.334(2), 115.335 introductory paragraph, 115.335(2), 115.336 introductory paragraph, 115.337(1) through 115.337(5), 115.339, 115.342(4), 115.344(1)(D), 115.344(1)(E), 115.344(2), 115.345(2), 115.347(1) through 115.347(6), 115.349, 115.417(3) through 115.417(6), 115.419(1) through 115.419(3), 115.421 introductory paragraph, 115.421(1) through 115.421(8)(B) introductory paragraph, 115.421(8)(C) through 115.421(9)(A)(v), 115.421(9)(C), 115.422 introductory paragraph, 115.422(1), 115.422(1)(A) through 115.422(1)(C), 115.422(2), 115.423(2) through 115.423(4), 115.424 introductory paragraph, 115.424(1) through 115.424(3), 115.425(2), 115.425(3)(B)(i), 115.425(3)(B)(iii), 115.426 introductory paragraph, 115.426(2), 115.426(2)(A)(ii) through 115.426(2)(A)(iv), 115.426(3), 115.427(6), 115.427(6)(A), 115.427(6)(B), 115.427(7), 115.429(1), 115.429(2)(A), 115.429(2)(B), 115.432 introductory paragraph, 115.432(1), 115.432(1)(A) through 115.432(1)(C)(iii), 115.432(2), 115.432(3), 115.435(5) through 115.435(7), 115.436(3)(B) through 115.436(3)(D), 115.437(1), 115.437(2), 115.439(1), 115.439(2), 115.512(3), 115.519, 115.532(5), 115.536(2)(A)(ii) through 115.536(2)(A)(iv), 115.537(5), 115.537(6), 115.539(1), 115.539(2).

(D) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on September 20, 1991: 115.010—Definitions for capture efficiency, capture system, carbon adsorber, carbon adsorption system, control device and control system, 115.126(1), 115.129(a)(3), 115.136, 115.139(a)(2), 115.224(2), 115.229(2), 115.422(2), 115.423(3), 115.425(4) through 115.425(4)(C)(iii), 115.426(3), 115.426(4), 115.429(2)(C), 115.435 introductory paragraph, 115.435(7) through 115.435(7)(C)(iii), 115.435(8), 115.436(6), 115.439(2).

[FR Doc. 92–23257 Filed 9–23–92; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 89–007b]

RIN 2115–AD60

Documentation of Vessels; Recording of Instruments; Citizenship Declarations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing this final rule to amend its regulations requiring the filing of a Declaration of Citizenship (MA–899) in connection with the filing and recording of certain instruments affecting the title to documented vessels. The purpose of this change is to conform Coast Guard regulations to those of the Maritime Administration, to reduce uncertainty as to the validity of those instruments, and to reduce the paperwork burden upon the public.

DATES: This final rule is effective September 24, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation and Tonnage Survey Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, (202) 267–1492.

Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A notice of proposed rulemaking was published March 26, 1992 [57 FR 15044], with a 90 day comment period that closed June 24, 1992. That notice included, among other things, a proposal to amend the specific regulation which is the subject of this final rule. This rulemaking conforms the Coast Guard's rules concerning the submission of Declarations of Citizenship (MA–899) to the final rule published by the Maritime Administration on June 3, 1992 (57 FR 23470). Because this final rule conforms otherwise conflicting procedure between two federal agencies, and relieves the public of a significant paperwork burden, the Coast Guard has determined that good cause exists under 5 U.S.C. 553(d), for making this rulemaking effective in less than 30 days after publication.

Drafting Information

The principal authors of this regulation are Thomas L. Willis, Project Manager, and Lieutenant Commander

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