

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7213.

SUPPLEMENTARY INFORMATION:

Regulations to establish the framework necessary for the Secretary to pay compensation under the authority granted by the "Persian Gulf War Veterans" Benefits Act of 1994," title I of Public Law 103-446, are set forth in 38 CFR 3.117. Under these regulations, VA may pay compensation for disability resulting from an undiagnosed illness becoming manifest to a compensable degree in a Persian Gulf War veteran within a specified presumptive period. An interim final rule extending the presumptive period through December 31, 2006, was published on November 9, 2001 (66 FR 56614-615).

We provided a 60-day comment period that ended January 8, 2002. We received no comments. Based on the rationale set forth in the interim final rule we now affirm as a final rule the extension of the presumptive period made by the interim final rule.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Administrative Procedure Act

This document affirms without any changes an amendment made by an interim final rule that is already in effect. Accordingly, we have concluded under 5 U.S.C. 553 that there is good cause for dispensing with a delayed effective date based on the conclusion that such procedure is impracticable, unnecessary, and contrary to the public interest.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This final rule would have no consequential effect on State, local, or tribal governments, nor will it impose costs on the private sector.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule 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. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Order 12866

This final rule has been reviewed by OMB under Executive Order 12866.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans, Vietnam.

Approved: October 24, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

PART 3—ADJUDICATION

Accordingly, the interim rule amending 38 CFR part 3 which was published at 66 FR 56614 on November 9, 2001, is adopted as a final rule without change.

[FR Doc. 02-32625 Filed 12-26-02; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC 102-200304(a); FRL-7425-2]

Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Regulations Within the North Carolina State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 7, 2002, the North Carolina Department of Environment and Natural Resources submitted revisions to the North Carolina State Implementation Plan (SIP). North Carolina is adopting rule 15A NCAC 2D .0542, Control of Particulate Emissions from Cotton Ginning Operations. In addition, North Carolina is amending rules 15A NCAC 2D .0504, Particulates from Wood Burning Indirect Heat Exchangers, .0927, Bulk Gasoline Terminals, .0932, Gasoline Truck Tanks and Vapor Collection Systems and 15A NCAC 2Q .0102, Activities Exempt From Permitting Requirements and .0104, Where to Obtain and File Permit

Applications. The EPA is approving these revisions.

DATES: This direct final rule is effective February 25, 2003 without further notice, unless EPA receives adverse comment by January 27, 2003. If adverse comment is received, EPA 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: All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Randy Terry, 404/562-9032.

North Carolina Department of Environment, Health, and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT:

Randy B. Terry, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9032. Mr. Terry can also be reached via electronic mail at terry.randy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 2002, the North Carolina Department of Environment and Natural Resources submitted revisions to the North Carolina SIP. These revisions involve the adoption of rule 15A NCAC 2D .0542, Control of Particulate Emissions from Cotton Ginning Operations, the amending of multiple rules within Section 15A NCAC 2D .0900 Volatile Organic Compounds, and several other miscellaneous revisions. An analysis of each of the major revisions submitted is listed below.

II. Analysis of State's Submittal

15A NCAC 2D

.0504 Particulates From Wood Burning Indirect Heat Exchangers

This rule has been amended to correct the reference to paragraph (d) of this rule to paragraph (f).

.0542 Control of Particulate Emissions from Cotton Ginning Operations

This rule has been adopted to establish particulate control requirements specific to cotton ginning operations. The rule applies to all cotton gins and requires one or more 1D–3D cyclones or an equivalent device to achieve 95 percent efficiency on all high pressure exhausts and lint cleaning exhausts, and one or more 2D–2D cyclones or an equivalent device to achieve 90 percent efficiency on all remaining low pressure exhausts. Small gins that do not already have control devices on lint cleaners and battery condensers are not required to install controls on them. The rule also requires:

- Raincaps to be removed,
- Sp;an inspection and maintenance schedule,
- A three-sided enclosure or a wet suppression system at the trash cyclone dump area, trash stacker/composting,
- Daily cleaning of lint from non-storage areas of the gin yard,
- Cleaning of lint and debris from paved areas,
- Dust suppression and speed limits in unpaved areas,
- Covering of trucks transporting trash material,
- Removal of overspill from trucks, and
- Daily cleaning of the trash hopper dump area.

In addition, the rule requires a baseline study of the air flow system to ensure air flows are within design range for the collection device and monitoring devices for pressure, flow rate, and other operating conditions to ensure proper operation and maintenance of the control devices. The owner or operator is also required to take and record monthly static pressure readings, conduct daily inspections of the system and record problems and corrective actions in a logbook, and at the conclusion of the season conduct an inspection to identify all maintenance activities and repairs needed prior to the next season. The rule also requires the owner to keep records of parameters established in the baseline study, monthly static pressure checks, observations of daily inspections and corrective actions. Gin owners or operators are also required to submit an annual report of the number of bales of cotton produced during the previous ginning season and a schedule of repair and maintenance to be conducted prior to the start of the next season. The rule also contains provisions for request and approval of alternative control measures.

.0927 Bulk Gasoline Terminals and .0932 Gasoline Truck Tanks and Vapor Collection Systems

These rules have been amended to require the owner or operator of the truck tank to file a copy of its most recent leak tightness certification test with bulk gasoline terminals where the tank is loaded. The amendments also require bulk gasoline terminals to keep on file a copy of the leak tight certification for each truck tank that they load.

15A NCAC 2Q

.0102 Activities Exempt From Permitting Requirements

This rule is being amended to add language that allows the Director, if he finds that an activity exempted under paragraph (b) of this rule is in violation of or has violated a rule in 15A NCAC 2D., to revoke the permit exemption for that activity and require that activity to be permitted under this Subchapter.

.0104 Where to Obtain and File Permit Applications

This rule is being amended to correct the address for the North Carolina Division of Air Quality.

III. Final Action

EPA is approving the aforementioned changes to the SIP because the revisions are consistent with Clean Air Act and EPA regulatory requirements. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective February 25, 2003 without further notice unless the Agency receives adverse comments by January 27, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on February 25, 2003 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of

this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action merely approves 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. This rule also is not subject to Executive Order 13045 “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA’s role is to approve state choices,

provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 February 25, 2003. 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, Carbon monoxide,

Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 31, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

PART 52—[AMENDED]

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

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

Subpart II—North Carolina

2. In § 52.1770(c), Table 1 is amended to read as follows:

a. Under subchapter 2D, section .0500, by adding a new entry .0542, and revising entry .0504;

b. Under subchapter 2D, section .0900, by revising entries .0927 and .0932; and

c. Under subchapter 2Q, section .0100, by revising entries .0102 and .0104.

§ 52.1770 Identification of plan.

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(c) * * *

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
Subchapter 2D	Air Pollution Control Requirements			
* * *	* * *	* * *	* * *	*
Section .0500	Emissions Control Standards			
* * *	* * *	* * *	* * *	*
Sect. .0504	Particulates From Wood Burning Indirect Heat Exchangers.	7/01/02	12/27/02	
* * *	* * *	* * *	* * *	*
Sect. .0542	Control of Particulate Emissions From Cotton Ginning Operations.	07/01/02	12/27/02	
* * *	* * *	* * *	* * *	*
Section .0900	Volatile Organic Compounds			
* * *	* * *	* * *	* * *	*
Sect. .0927	Bulk Gasoline Terminals	07/01/02	12/27/02	
* * *	* * *	* * *	* * *	*
Sect. .0932	Gasoline Truck Tanks and Vapor Collection Systems.	07/01/02	12/27/02	
* * *	* * *	* * *	* * *	*
Subchapter 2Q	Air Quality Permits			
Section .0100	General Provisions			
* * *	* * *	* * *	* * *	*
Sect. .0102	Activities Exempt From Permitting Requirements.	07/01/02	12/27/02	
* * *	* * *	* * *	* * *	*
Sect. .0104	Where to Obtain and File Permit Applications.	07/01/02	12/27/02	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
* * * * *	* * * * *	*	*	*
<p>[FR Doc. 02–32137 Filed 12–26–02; 8:45 am] BILLING CODE 6560–50–P</p> <p>ENVIRONMENTAL PROTECTION AGENCY</p> <p>40 CFR Part 52</p> <p>[NC–93; NC–101–200122a; FRL–7402–6]</p> <p>Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to North Carolina State Implementation Plan: Transportation Conformity Rule and Interagency Memorandum of Agreements</p> <p>AGENCY: Environmental Protection Agency (EPA).</p> <p>ACTION: Direct final rule.</p> <p>SUMMARY: The EPA is approving a revision to the North Carolina State Implementation Plan (SIP) with the exception of one state regulation pertaining to triggers. The revision contains the transportation conformity rule pursuant to the Clean Air Act as amended in 1990 (Act) and seven memoranda of agreements that establish procedures for consultation as part of the transportation conformity provisions. The transportation conformity rule assures that projected emissions from transportation plans, improvement programs and projects in air quality nonattainment or maintenance areas stay within the motor vehicle emissions ceiling contained in the SIP. The transportation conformity SIP revision enables the State to implement and enforce the Federal transportation conformity requirements at the state level per regulations for conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws. This EPA approval action streamlines the conformity process to allow direct consultation among agencies at the local level. This final approval action is limited to requirements for Transportation Conformity. Rationale for approving this SIP revision is provided in the</p>	<p>SUPPLEMENTAL INFORMATION section of this action.</p> <p>DATES: This direct final rule is effective on February 25, 2003, without further notice, unless EPA receives adverse comment before January 27, 2003. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that this rule will not take effect.</p> <p>ADDRESSES: All comments should be addressed to: Kelly Sheckler at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.</p> <p>Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:</p> <p>Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Kelly Sheckler, 404/562–9042.</p> <p>North Carolina Department of Environment and Natural Resources, 2728 Capital Boulevard, Raleigh, North Carolina 27604.</p> <p>FOR FURTHER INFORMATION CONTACT: Kelly Sheckler at 404/562–9042, e-mail: Sheckler.Kelly@epa.gov.</p> <p>SUPPLEMENTARY INFORMATION: Outlined below are the contents of this document:</p> <p>I. Background</p> <p>A. What Is a SIP?</p> <p>B. What Is the Federal Approval Process for a SIP?</p> <p>C. What Is Transportation Conformity?</p> <p>D. Why Must the State Submit a Transportation Conformity SIP?</p> <p>E. How Does Transportation Conformity Work?</p> <p>II. Approval of the State Transportation Conformity Rule</p> <p>A. What Did the State Submit?</p> <p>B. What Is EPA Approving Today and Why?</p> <p>C. How Did the State Satisfy the Interagency Consultation Process (40 CFR 93.105)?</p> <p>III. Final Action</p> <p>IV. Administrative Requirements</p> <p>I. Background</p> <p><i>A. What Is a SIP?</i></p> <p>The states, under section 110 of the Act, must develop air pollution regulations and control strategies to ensure that state air quality meets</p>			<p>National Ambient Air Quality Standards (NAAQS) established by EPA. The Act, under section 109, established these NAAQS which currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.</p> <p>Each state must send these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP, which protects air quality and contains emission control plans for NAAQS nonattainment area. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.</p> <p><i>B. What Is the Federal Approval Process for a SIP?</i></p> <p>The states must formally adopt the regulations and control strategies consistent with state and Federal laws for incorporating the state regulations into the Federally enforceable SIP. This process generally includes a public notice, public comment period, public hearing, and a formal adoption by a state-authorized rulemaking body.</p> <p>Once a state rule, regulation, or control strategy is adopted, the state will send these provisions to EPA for inclusion in the Federally enforceable SIP. EPA must then determine the appropriate Federal action, provide public notice, and request additional public comment on the action. The possible Federal actions include: Approval, disapproval, conditional approval and limited approval/disapproval. If adverse comments are received, EPA must consider and address the comments before taking final action.</p> <p>EPA incorporates state regulations and supporting information (sent under section 110 of the Act) into the Federally approved SIP through the approval action. EPA maintains records of all such SIP actions in the CFR at Title 40, Part 52, entitled “Approval and Promulgation of Implementation Plans.” The EPA does not reproduce the text of the Federally approved state regulations in the CFR. They are “incorporated by reference,” which means that the</p>