

actual cost of the person's funeral and burial, and an additional amount for transportation of the body to the place of burial. (38 U.S.C. 903(a)). (If the hospitalized person's death is service connected, entitlement to burial benefits falls under paragraph (a) of this section instead of this paragraph.)

(f) *Plot or interment allowance.* When a veteran dies from non-service-connected causes, \$150 (or where entitlement is based on § 3.8(c) or (d), a rate in Philippine pesos equivalent to \$75) may be paid as a plot or interment allowance. The plot or interment allowance is payable to the person or entity who incurred the expenses. (For payment to a State or political subdivision thereof, see § 3.1604(c).) Entitlement is subject to the following conditions:

- (1) The deceased veteran is eligible for the burial allowance under paragraph (b) or (c) of this section; or
- (2) The veteran either served during a period of war or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty (or at time of discharge has such a disability, shown by official service records, which in medical judgment would have justified a discharge for disability; the official service department record showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for determining entitlement to the plot or interment allowance notwithstanding that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty); and
- (3) The veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States; and
- (4) The applicable further provisions of this section and §§ 3.1601 through 3.1610. (38 U.S.C. 903(b))

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-2042-2]

Approval of Revision of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule and clarification.

SUMMARY: The State of Delaware submitted regulations pertaining to prevention of significant deterioration (PSD). These regulations are generally equivalent to the federal requirements contained in 40 CFR 51.24. EPA approves the State-submitted regulations as a revision of the Delaware State Implementation Plan (SIP). With certain minor exceptions, the State-submitted amendments meet the requirements of the Clean Air Act and 40 CFR Part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans).

Certain provisions pertaining to notifying Federal Land Managers and obtaining written approval of the Administrator to modify or substitute a modeling procedure were not included in the Delaware regulations. These provisions are covered by EPA regulations promulgated previously, which will remain in effect.

This notice also serves to clarify a prior approval action with regard to the Delaware SIP.

EFFECTIVE DATE: April 14, 1982.

ADDRESSES: Copies of the PSD regulations submitted by Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106, ATTN: Harold A. Frankford (3AH12).
Delaware Department of Natural Resources & Environmental Control, Air Resources Section, Tatnall Building, Capitol Complex, Dover, Delaware 19901, ATTN: Robert R. French.
Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460.
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford (3AW12), MD-DE-DC Metro Section at the above-mentioned address. Phone: 215/597-8392, Ref: AH012DE.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1980, the State of Delaware submitted to the Environmental Protection Agency amendments to Regulations I (Definitions) and XXV (Requirements for Preconstruction Review) of the State's Regulations Governing the Control of Air Pollution and requested

that they be reviewed and processed as a revision of the Delaware State Implementation Plan (SIP). The amendments consist of changes to Regulations XXV pertaining to the Prevention of Significant Deterioration (PSD) program and Regulation I pertaining to the definition of the term "CAA." In addition, the State has requested that the definition of the terms "allowable emissions," "best available control technology," and "potential to emit" be deleted in Regulation I and replaced by the definition of these terms that would now be listed in Regulation XXV.

These regulations are designed to replace EPA's disapproval and promulgation action of June 19, 1978, 43 FR 26410. In this notice, EPA promulgated general PSD regulations applicable to all States and territories (40 CFR 52.21(b) through (v)) and one regulation specifically pertaining to Delaware (40 CFR 52.432).

The State conducted public hearings pertaining to these regulations in Wilmington on October 31, 1980, as required by 40 CFR 51.4.

Notice of Proposed Rulemaking

On October 29, 1981, 46 FR 53460, EPA proposed the amendments as a revision of the Delaware State Implementation Plan (SIP), but noted that there were differences between Delaware's PSD regulations and the federally promulgated regulations found in 40 CFR 51.24. These differences were explained in detail in the aforementioned notice.

There are two Clean Air Act requirements that were not addressed in the State regulations. One requirement pertains to notifying the Federal Land Manager of all PSD sources which are to be located within 100 kilometers (km) of a Class I PSD area (40 CFR 51.24(p)). The other pertains to the federal requirement that any modification or substitution of a modeling procedure requires written approval of the Administrator in addition to approval by the State (40 CFR 51.24(e)(2)). Therefore, EPA proposed to revise 40 CFR 52.432(b) to retain the provisions of 40 CFR 52.21(1)(2) and 52.21(p) as a part of the applicable Delaware SIP.

EPA also proposed for inclusion into the SIP, a February 27, 1981 letter from the State of Delaware to EPA providing a commitment by the State to notify EPA of any applicable facility that is planning to locate within 100 kilometers of a Class I area. This letter also constitutes an interpretation of Regulation XXV, Section 3.10C so that it incorporates the criteria found in 40 CFR

Part 58. (See "EPA Evaluation/Actions").

Summary of Public Comments

During the 30-day public comment period, no comments were received.

EPA Evaluation/Actions

In addition to the above-discussed distinctions, Delaware's PSD regulations contain two other significant distinctions from the federal provisions:

(1) The phrase "Quality Assurance Requirements for PSD Air Monitoring as pre-approved by the Department" (Section 3.10C) does not specify the use of the criteria contained in 40 CFR Part 58, Appendix B. The State has agreed in its February 27, 1981 letter that, as a minimum, it will ensure that the requirements of 40 CFR Part 58, Appendix B are specified.

(2) The State PSD regulations contain references only to Delaware Regulations XX (NSPS) and XXI (NESHAPS). Delaware has been delegated full NESHAPS authority and its NESHAPS regulations are considered equivalent to 40 CFR Part 61. However, while Delaware's NSPS regulation (Regulation XX) is considered equivalent for those NSPS categories which are contained in 40 CFR Part 60, Delaware has only requested and been delegated NSPS authority for a limited number of source types. Nevertheless, any source not covered by Regulation XX but covered under 40 CFR Part 60 must still meet all applicable Federal requirements. Therefore, no applicable source will be unregulated.

Because of these assurances, EPA believes that disapproval action regarding these provisions is not warranted. Therefore, Section 3.10C of Regulation XXV and the provisions referring to State Regulations XX and XXI are included as part of the approved Delaware SIP.

Except as mentioned above, the State's PSD regulations meet the requirements of the Clean Air Act and 40 CFR Part 52, and therefore are approved as a revision of the Delaware SIP. Accordingly, 40 CFR 52.420 (Identification of Plan) of Subpart I (Delaware) is amended to incorporate Delaware PSD regulations into the approved Delaware SIP. At the same time, 40 CFR 52.432(b) (Significant Deterioration of Air Quality) of Subpart I is amended so that only two provisions of EPA's June 19, 1978 promulgation of PSD regulations, 43 FR 26410, remain as part of the applicable Delaware SIP. These provisions pertain to the notifying of the Federal Land Manager of all PSD sources that would affect a Class I PSD area (Section 52.21 (p)) and the

provision that permits only the EPA Administrator to approve in writing any modification or substitution of a diffusion modeling procedure (Section 52.21(1)(2)). EPA also approves for inclusion into the SIP, the February 27, 1981 letter submitted by Delaware to EPA containing the procedures for notifying EPA of PSD sources that may locate within 100 km of a Class I PSD area and ensuring EPA that the State will follow the 40 CFR Part 58 requirements during all PSD monitoring activities.

The State has been advised of EPA's action to approve Delaware's PSD regulations, but to retain portions of 40 CFR 52.432 and has expressed no objections.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

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 Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Clarification of Prior EPA Action

On October, 30, 1981, 46 FR 53662, EPA approved an amended Delaware Regulation (Section 4.2 of Regulation II) as a revision of the Delaware SIP. In the preamble, EPA erroneously stated that all gasoline storage tanks with a capacity of "2,000 gallons or more" would no longer be exempt from Regulation II's requirements. EPA wishes to clarify this point. In actuality, Delaware's regulation specifically exempts gasoline storage tanks with a capacity equal to 2,000 gallons from the Regulation II requirements, but no longer exempts gasoline storage tanks with a capacity *greater than* 2,000 gallons.

(42 U.S.C. 7401-842)

Dated: March 9, 1982.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart I—Delaware

1. Section 52.420 is amended by adding paragraphs (c)(28) and (c)(29) to read as follows:

§ 52.420 Identification of plan.

(c) * * *

(28) Amendments to Regulations I (Definitions) and XXV Section (Requirements for Preconstruction Review) pertaining to prevention of significant deterioration submitted on December 29, 1980 by the Secretary, Delaware Department of Natural Resources and Environmental Control.

(29) A February 27, 1981 letter from the Delaware Department of Natural Resources and Environmental Control to EPA pertaining to procedures of notifying EPA of any PSD application for sources locating within 100 kilometers of a Class I PSD area, as well as ensuring EPA in any monitoring procedure, that the requirements of 40 CFR Part 58 will be specified.

2. In § 52.432, paragraph (b) is revised to read as follows:

§ 52.432 Significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of §§ 52.21(1)(2) and 52.21(p) are hereby incorporated and made a part of the applicable State plan for the State of Delaware.

[FR Doc. 82-0823 Filed 3-12-82; 8:45 am]
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40 CFR Part 81

[A-5-FRL 2011-8]

Designations of Areas for Air Quality Planning Purposes; Attainment Status Designations; Indiana, Ohio

AGENCY: Environmental Protection Agency (EPA).