

payable to a veteran in need of aid and attendance or to any veteran whom the Secretary determines has no adequate means of support.

**EFFECTIVE DATE:** This amendment is effective March 15, 1991.

**FOR FURTHER INFORMATION CONTACT:** Paul C. Tryhus, Chief, Policies and Procedures Division (161B2), Veterans Health Services and Research Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2504.

**SUPPLEMENTARY INFORMATION:** These regulations were proposed in the Federal Register of July 31, 1990, on pages 31082 and 31083. Interested persons were given 30 days in which to submit comments, however, no comments were received. Therefore, the regulations are hereby adopted as final in their original form.

The Veteran's Benefits and Services Act of 1988, Public Law 100-322, amended 38 U.S.C. 610(b) to change the criteria governing eligibility for domiciliary care. As amended, the law provides that the Secretary may furnish domiciliary care to: (1) Any veteran whose annual income does not exceed the maximum annual rate of pension payable to a veteran in need of aid and attendance, or (2) any veteran whom the Secretary determines has no adequate means of support. The law also provided that veterans who were patients or residents in a State home facility or VA domiciliary during the period January 1, 1987, through April 1, 1988, would not be affected by these changes. Under the regulation (38 CFR 17.48(b)(2)) an applicant for domiciliary care is considered as having "no adequate means of support" if annual income does not exceed the annual rate of pension for a veteran in receipt of aid and attendance as defined in 38 U.S.C. 503. The veteran must also be able to demonstrate, on the basis of objective evidence, that deficits in health and/or functional status render the veteran incapable of pursuing substantially gainful employment, and the veteran must otherwise be without the means to provide adequately for self, or be provided for in the community.

These final regulatory amendments do not meet the criteria for a major rule as that term is defined by Executive Order 12291, Federal Regulation. These regulatory amendments will not have a \$100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The Secretary hereby certifies that these regulations will not have a

significant economic impact on the substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 United States Code 601-612.

These regulatory amendments concern eligibility for domiciliary care. Any economic impact on small entities would be small because of the minimal part of their overall operation and income which this activity represents.

The Catalog of Federal Domestic Assistance Number is 63.008.

**List of Subjects in 38 CFR Part 17**

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Veterans.

Approved: January 25, 1991.  
Edward J. Derwinski,  
Secretary of Veterans Affairs.

38 CFR part 17, Medical, is amended as follows:

**PART 17—[AMENDED]**

1. In § 17.47 paragraph (e) and its authority citation are revised to read as follows:

**§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval, or air service.**

(e) Domiciliary care may be furnished when needed to:

(1) Any veteran whose annual income does not exceed the maximum annual rate of pension payable to a veteran in need of regular aid and attendance, or

(2) Any veteran who the Secretary determines had no adequate means of support. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress self, with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed Self.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share in some measure, however slight, in the maintenance and operation of the facility.

(viii) Make rational and competent decisions as to his or her desire to remain or leave the facility.

(Authority: 38 U.S.C. 610(b), sec. 102, Pub. L. 100-322.)

\* \* \* \* \*  
2. In § 17.48, paragraph (b)(2) is revised as follows:

**§ 17.48 Considerations applicable in determining eligibility for hospital, nursing home or domiciliary care.**

\* \* \* \* \*  
(b) \* \* \*  
(2) For purposes of eligibility for domiciliary care, the phrase "no adequate means of support" refers to an applicant for domiciliary care whose annual income exceeds the annual rate of pension for a veteran in receipt of regular aid and attendance, as defined in 38 U.S.C. 503, but who is able to demonstrate to competent VA medical authority, on the basis of objective evidence, that deficits in health and/or functional status render the applicant incapable of pursuing substantially gainful employment, as determined by the Chief of Staff, and who is otherwise without the means to provide adequately for self, or be provided for in the community.

[FR Doc. 91-3408 Filed 2-12-91; 8:45 am]  
BILLING CODE 8320-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[FRL-3903-5]

**Approval and Promulgation of Implementation Plans; State of Iowa**

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

**ACTION:** Final rule.

**SUMMARY:** The Iowa Department of Natural Resources (IDNR) has submitted revised regulations to incorporate by reference the EPA revisions to 40 CFR 52.21 at (53 FR 40656), August 17, 1988, pertaining to PSD NO<sub>x</sub> increments. EPA is taking final action to approve this revision to the Iowa State Implementation Plan (SIP).

**DATES:** This action will be effective April 15, 1991, unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is

delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the state submittal for this action are available for public inspection during normal business hours at: the Environmental Protection Agency, Region VII, Air Branch, 728 Minnesota Avenue, Kansas City, Kansas 66101; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; Environmental Protection Division, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551-7603 (FTS 276-7603).

**SUPPLEMENTARY INFORMATION:** On October 17, 1988, EPA revised the prevention of significant deterioration (PSD) regulations at 40 CFR 52.21 (see 53 FR 40656) for nitrogen oxides. These regulations establish the maximum increase in ambient nitrogen dioxide concentrations allowed in an area above the baseline concentration; these maximum allowable increases are called increments. The intended effect of these regulations is to require all applicants for major new stationary sources and major modifications emitting nitrogen oxides to account for and, if necessary, restrict emissions so as not to cause or contribute to exceedances of the increment.

On November 20, 1990, the IDNR submitted an amendment to chapter 22.4(455B), "Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD)," which incorporates by reference the revisions to 40 CFR part 52.21, effective October 17, 1988. The state rule was effective November 21, 1990. The state also provided a demonstration that it meets the conditions for approval of adoption of the NO<sub>x</sub> increment program as detailed in the EPA guidance memorandum on the subject dated August 17, 1990.

The above memorandum described specific conditions for EPA approval of a state's adoption of the NO<sub>x</sub> increment rule. Those conditions pertained to regulatory language, increment consumption analysis, increment consumption for the transition period, and legal authority. EPA has evaluated the state's submittal in accordance with the August 17, 1990, guidance and finds that the state submittal is acceptable. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective

April 15, 1991, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 15, 1991.

**EPA Action:** EPA is taking final action to approve a revision to Iowa rule 567-22.4(455B) which adopts by reference the PSD NO<sub>x</sub> requirements of 40 CFR 52.21 at 53 FR 40656 (October 17, 1988). Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements. Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 until April 1991.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the U.S. Court of Appeals for the appropriate circuit by April 15, 1991. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

The Agency has reviewed this request for revision of the federally approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the adoption of the revision by the state preceded the date of enactment.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: January 28, 1991.

Morris Kay,  
Regional Administrator.

40 CFR part 52, subpart Q, is amended as follows:

#### PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.820 is amended by adding paragraph (c)(53) to read as follows:

#### § 52.820 Identification of plan.

(c) \* \* \*  
(53) Revised chapter 22, rule 22.4(455B), submitted on November 8, 1990, incorporates by reference revised EPA PSD rules pertaining to NO<sub>x</sub> increments.

(i) Incorporation by reference  
(A) Amendment to chapter 22, "Controlling Pollution," Iowa Administrative Code, subrule 22.4, adopted by the Environmental Protection Commission on October 17, 1990, effective November 21, 1990.

(ii) Additional material  
(A) Letter from the state dated November 8, 1990, pertaining to NO<sub>x</sub> rules and analysis which certifies the material was adopted by the state on October 17, 1990.

[FR Doc. 91-3451 Filed 2-12-91; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 60

[AD-FRL-3867-1]

#### Standards of Performance for New Stationary Sources; Addition of Methods for Measurement of Polychlorinated Dibenzo-p-Dioxins, Polychlorinated Dibenzofurans, and Hydrogen Chloride Emissions From Stationary Sources

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

**ACTION:** Final rule.

**SUMMARY:** The purpose of this action is to add Method 23, "Determination to Polychlorinated Dibenzo-p-Dioxins (PCDD's) and Polychlorinated Dibenzofurans (PCDF's) from Stationary Sources," and Method 26, "Determination of Hydrogen Chloride Emissions from Stationary Sources" to appendix A of 40 CFR part 60. These methods are being promulgated to determine compliance with subparts Ca and Ea of part 60.