

Tables I through V and Table VIII of PW Alert Service Bulletin (ASB) No. 4723, Revision 12, dated March 8, 1990, installed. These engines are installed on but not limited to Boeing 727 series and 737 series, and McDonnell Douglas DC-9 series aircraft.

Note: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously in accordance with PW ASB No. 4723, Revision 9, dated July 13, 1983; Revision 10, dated September 15, 1986; or Revision 11, dated October 30, 1987. All inspections subsequent to the effective date

of this AD must be accomplished in accordance with the methods and intervals identified in PW ASB No. 4723, Revision 12, dated March 8, 1990, except as is specified in paragraph (d) of this AD.

To prevent uncontained fractures of 9th through 12th stage HPC disks and engine failure, accomplish the following:

(a) Initially inspect 9th through 12th stage HPC disks at the tierod holes in accordance with Tables I through V and Table VIII of PW ASB No. 4273, Revision 12, dated March 8, 1990.

(b) Thereafter, inspect 9th through 12th stage HPC disks at the tierod holes in accordance with Tables I through V and Table VIII of PW ASB No. 4723, Revision 12, dated March 8, 1990. Disks initially inspected prior to the first inspection limit must be reinspected before reaching the specified reinspection interval, or before reaching the first inspection limit, whichever is later. In no case shall the established life limits of the disks be exceeded.

(c) Remove cracked disks from service prior to further flight, and replace with a serviceable part. Disks may be returned to service if repaired in accordance with Paragraph 7 of PW ASB No. 4723, Revision 12, dated March 8, 1990.

(d) For 10th stage HPC disks that were last inspected in accordance with the on-wing ultrasonic inspection procedure specified in AD 81-08-02 R2 prior to the effective date of this AD, inspect as follows:

(1) Perform a magnetic particle inspection or eddy current inspection in accordance with the procedure defined in Paragraph 6 and Appendix B of PW ASB No. 4723, Revision 12, dated March 8, 1990, no later than 750 cycles in service (CIS) since the last on-wing inspection.

(2) Accomplish all subsequent inspections in accordance with the methods and intervals specified in PW ASB No. 4723, Revision 12, dated March 8, 1990.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative method of compliance with this AD, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(g) The actions required by this AD shall be done in accordance with the following ASB:

Document No.	Pages	Rev.	Date
PW ASB No. 4723	1	12	Mar. 8, 1990.
	2-8	10	Sept. 15, 1986.
	9-10	11	Oct. 30, 1987.
	11-25	10	Sept. 15, 1986.
Appendix A	A-1	10	Sept. 15, 1986.
	A-2		
Appendix B	B-1—B-9	7	Feb. 16, 1981.
	B-10	8	July 9, 1982.
	B-11—B-12	7	Feb. 16, 1981.
Total pages: 38.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, Technical Publications Department, M/S 132-30, 400 Main Street, East Hartford, CT 06108. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on September 11, 1995.

Issued in Burlington, Massachusetts, on July 26, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.
[FR Doc. 95-19232 Filed 8-9-95; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

RIN 2900-AH00

Delegation of Subpoena Authority and Description of Means of Service

AGENCY: Department of Veterans Affairs.
ACTION: Interim Final Rule with Request for Comments.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations concerning authority of VA officials to issue subpoenas: (1) by revoking the delegation of authority to the Inspector General and subordinate officials, and (2) by adding a delegation of authority to the Under Secretary for Health and certain subordinate officials. The regulations are also amended by

specifying means of service for VA subpoenas. These amendments are intended to make the Department's delegations of subpoena power consistent with legal authority and to ensure that VA has the means to obtain information necessary to determine whether individuals are entitled to income-based benefits.

DATES: This interim final rule is effective on August 10, 1995. Comments must be received on or before October 10, 1995.

ADDRESSES: Mail written comments concerning these proposed regulations to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420; or hand deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC

20001. Comments should indicate that they are submitted in response to "RIN 2900-AH00." All written comments will be available for public inspection in the Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC 20001, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Barry M. Tapp, Deputy Assistant General Counsel (023A), Office of General Counsel, Department of Veterans Affairs, (202) 273-6334.

SUPPLEMENTARY INFORMATION: This document amends 38 C.F.R. § 2.1 to revoke delegations of authority to the Inspector General and subordinate officials for issuing subpoenas, and to provide delegations to the Under Secretary for Health and certain subordinates to issue subpoenas, and to specify means of service for VA subpoenas.

Revoking Current Inspector General Authority To Subpoena

Title 38 U.S.C. § 5711 authorizes the Secretary of Veterans Affairs and those employees to whom the Secretary delegates such authority to issue subpoenas for, and compel the attendance of, witnesses within a radius of 100 miles from the place of hearing and to require the production of documents. (38 U.S.C. § 5713 authorizes Federal district courts to enforce VA subpoenas.)

The Secretary delegated subpoena authority to, among others, the Inspector General, Deputy Inspector General, Assistant Inspector General for Investigation, and Deputy Assistant Inspector General for Investigation. No subpoenas have been issued pursuant to this delegation and the delegations to the Inspector General and subordinates of that office are revoked by this document.

The Inspector General Act of 1978 (the Act) established the Office of Inspector General in the VA. The Act mandated the duties of the Office, specifically giving the Inspector General investigative powers. The Act limited the subpoena authority of Inspector Generals to requiring the production of documents. The Act also established the Inspector General as an official independent of the control of agency heads. In a leading case on the authority of Inspector Generals established under the Act, the United States Court of Appeals for the District of Columbia Circuit held that "[i]f the agency head may delegate his subpoena authority to the agency's inspector general, . . . the

congressional scheme is disrupted," making such delegations inconsistent with the Act's uniform distribution of power to its Inspector Generals. *United States v. Iannone*, 610 F.2d. 943, 947 (D.C. Cir. 1979). Accordingly, there is no authority for the delegation of subpoena power to the Inspector General and subordinates.

Delegating Authority to the Under Secretary for Health

Federal law authorizes the Secretary to operate income matching programs with other agencies to verify the income of VA beneficiaries so that VA may obtain information necessary to determine whether individuals are entitled to income-based benefits. 38 U.S.C. § 5317. The Secretary has delegated authority to the Under Secretary for Health to operate VA's income matching program. The Director, Income Verification Match Center, and the Associate Director for Operations have program responsibility for this program.

VA may not act on adverse information from income matching programs unless the data are independently verified. But sources for verifying information are not obligated to disclose the data merely at VA's request. Consequently, the Under Secretary for Health, the Director, Income Verification Match Center, and the Associate Director for Operations, Income Verification Match Center, are hereby delegated authority to issue subpoenas, compel the attendance of witnesses, and require the production of evidence.

Means of Service

This document also adds means of serving subpoenas issued by designated VA officials. In this regard, the regulations are amended to add the following:

Subpoenas issued pursuant to this section may be served by registered or certified mail, return receipt requested, addressed to the witness only. Personal service by any VA employee or other authorized person may be made where authorized in writing by the issuing official.

Administrative Procedure Act

This interim final rule constitutes rules of agency organization, procedure, or practice. Accordingly, pursuant to 5 U.S.C. 553, we are dispensing with prior notice and comment and with a 30-day delay of the effective date.

Regulatory Flexibility Act

The Secretary certifies that this regulatory amendment will not have a

significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. §§ 601-612. This amendment will affect only individuals and will not directly affect any small entities. Therefore, pursuant to 5 U.S.C. § 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

There are no programs listed in the Catalog of Federal Domestic Assistance which will be directly affected by this rule.

Executive Order 12866

This regulatory action has been reviewed by the Office of Management and Budget under Executive Order 12866.

List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies), Veterans Affairs Department.

Approved: June 20, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 2 is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501, unless otherwise noted.

2. Section 2.1 is revised to read as follows:

§ 2.1 Delegation of authority to employees to issue subpoenas, etc.

(a) *Authority to issue subpoenas.* Employees occupying or acting in the positions designated in paragraph (b) of this section shall have the power to issue subpoenas for (by countersigning VA Form 2-4003) and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents, and other evidence. Issuing officials shall use discretion when exercising this power.

(b) *Designated positions.* The positions designated pursuant to paragraph (a) of this section are: General Counsel, Deputy General Counsel, Chairman, Board of Veterans' Appeals, Heads of Regional Offices and Centers having insurance or regional office activities, Under Secretary for Health (for income matching programs), Director, Income Verification Match

Center (for income matching programs), and the Associate Director for Operations, Income Verification Match Center (for income matching programs).

(c) *Means of service.* Subpoenas issued pursuant to this section may be served by registered or certified mail, return receipt requested, addressed to the witness only. Personal service by any VA employee or other authorized person may be made where authorized in writing by the issuing official.

(d) *Fees and mileage; district courts of the United States.* Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction in which the inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Authority: 38 U.S.C.A. §§ 501, 5711)

[FR Doc. 95-19807 Filed 8-9-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA56-1-7086a; FRL-5252-9]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Reasonably Available Control Technology for Stroehmann Bakeries, Inc., Lycoming and Bradford Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from two Stroehmann Bakeries, Inc. (Stroehmann) facilities located in Sayre Borough, Bradford

County and Old Lycoming Township, Lycoming County. These facilities are located in areas designated "not classified/attainment" for ozone which are part of the ozone transport region (OTR). The SIP revision requires Stroehmann to install and operate catalytic oxidation units on the bakery ovens associated with the production of yeast-based products. The intended effect of this action is to approve the SIP revision as constituting RACT for the Stroehmann facilities located in Sayre Borough and Old Lycoming Township. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective October 10, 1995 unless notice is received on or before September 11, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597-0545.

SUPPLEMENTARY INFORMATION: On February 24, 1995, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of State Plan Approvals issued by the Pennsylvania Department of Environmental Resources (DER) on February 9, 1995, identified as PA-41-0001 and PA-08-0001 and State Operating Permits issued February 9, 1995, identified as OP-41-0001A and OP-08-0001A for the Stroehmann facilities located in Old Lycoming Township and Sayre Borough, respectively.

Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement

RACT in ozone nonattainment areas classified as moderate or above for all major VOC and NO_x sources by no later than May 31, 1995. In addition, moderate ozone nonattainment area requirements, including RACT as specified in section 182(b)(2) and 182(f), apply throughout the ozone transport region (OTR) established by the CAA.

On February 24, 1995, the Pennsylvania DER submitted Plan Approvals PA-41-0001 and PA-08-0001 and Operating Permits OP-41-0001A and OP-08-0001A as revisions to its State Implementation Plan (SIP) for the control of VOC and NO_x emissions from two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, respectively. These counties are located in areas classified as "not classified/attainment" for ozone. However, these areas are also part of the OTR and, pursuant to section 184 of the CAA, must meet the requirements of a moderate ozone nonattainment area, including the requirement that major sources implement RACT. The definition of major source for an area classified as "not classified/attainment" in the OTR is any source having the potential to emit 50 tons per year of volatile organic compounds (VOCs) or 100 tons per year of oxides of nitrogen (NO_x).

Summary of SIP Revision

The Stroehmann facility located in Sayre Borough, Bradford County produces bread and donuts in three production lines and generates potential VOC emissions of 313 tons/year. The Stroehmann facility in Old Lycoming Township, Lycoming County produces buns and rolls in two baking lines and generates potential VOC emissions of 144.3 tons per year. Sources of VOC emissions are the same at both Stroehmann facilities and include the prebake areas, baking ovens, combustion sources, ink jet printers, parts cleaning/maintenance activities, and painting operations. Neither facility is a major source of NO_x.

The most significant source of VOCs are the baking ovens associated with production lines where yeast-based breads, rolls and buns are produced. Pennsylvania DER determined that RACT for the baking ovens involved in the production of yeast-based breads, rolls and buns at the Sayre Borough and Old Lycoming Township facilities is the installation and operation of catalytic oxidation units to achieve a minimum 95% VOC removal efficiency and operate at a minimum operating temperature of 600°F.