

primarily the result of human disturbance.

**Inventoried roadless areas:** Areas are identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Draft Environmental Impact Statement, Volume 2, dated May 2000, which are held at the National headquarters office of the Forest Service, or any subsequent update or revision of those maps.

**Major vegetation types:** Plant communities, which are typically named after dominant plant species that are characteristic of the macroclimate and geology of the region or sub-region.

**Native species:** Species of the plant and animal kingdom indigenous to the plan area or assessment area.

**Plan area:** The geographic area of National Forest System lands covered by an individual land and resource management plan. The area may include one or more administrative units.

**Productive capacity of ecological systems:** The ability of an ecosystem to maintain primary productivity including its ability to sustain desirable conditions such as clean water, fertile soil, riparian habitat, and the diversity of plant and animal species; to sustain desirable human uses; and to renew itself following disturbance.

**Range of variability:** The expected range of variation in ecosystem composition, and structure that would be expected under natural disturbance regimes in the current climatic period. These regimes include the type, frequency, severity, and magnitude of disturbance in the absence of fire suppression and extensive commodity extraction.

**Reference landscapes:** Places identified in the plan area where the conditions and trends of ecosystem composition, structure, and processes are deemed useful for setting objectives for desired conditions and for judging the effectiveness of plan decisions.

**Responsible official:** The officer with the authority and responsibility to oversee the planning process and make decisions on proposed actions.

**Reviewing officer:** The supervisor of the responsible official.

**Social and economic sustainability:** Meeting the economic, social, aesthetic, and cultural needs and desires of current generations without reducing the capacity of the environment to provide for the needs and desires of future generations, considering both local communities and the nation as a whole. It also involves the capacity of citizens to communicate effectively with each other and to make sound choices about their environment.

**Species:** Any member of the animal or plant kingdom that is described as a species in a peer-reviewed scientific publication and is identified as a species by the responsible official pursuant to a plan decision, and must include all species listed under the Endangered Species Act as threatened, endangered, candidate, or proposed for listing by the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

**Species-at-risk:** Federally listed endangered, threatened, candidate, and proposed species and other species for which loss of viability, including reduction in distribution or abundance, is a concern within the plan area. Other species-at-risk may include sensitive species and state listed species. A species-at-risk also may be selected as a focal species.

**Species viability:** A species consisting of self-sustaining and interacting populations that are well distributed through the species' range. Self-sustaining populations are those that are sufficiently abundant and have sufficient diversity to display the array of life history strategies and forms to provide for their long-term persistence and adaptability over time.

**Successional stages:** The different structural and compositional phases of vegetation development of forests and grasslands that occur over time following disturbances that kill, remove, or reduce vegetation and include the major developmental or seral stages that occur within a particular environment.

**Timber production:** The sustained long-term and periodic harvest of wood fiber from National Forest System lands undertaken in support of social and economic objectives identified in one or more land and resource management plans. For purposes of this regulation, the term timber production includes fuel wood.

**Undeveloped areas:** Areas, including but not limited to inventoried roadless areas and unroaded areas, within national forests or grasslands that are of sufficient size and generally untrammeled by human activities such that they are appropriate for consideration for wilderness designation in the planning process.

**Unroaded areas:** Any area, without the presence of a classified road, of a size and configuration sufficient to protect the inherent characteristics associated with its roadless condition. Unroaded areas do not overlap with inventoried roadless areas.

## Subpart B—[Reserved]

Dated: December 8, 2009.

**Harris D. Sherman,**

*Under Secretary, NRE.*

[FR Doc. E9-30171 Filed 12-17-09; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 14

RIN 2900-AN44

#### Federal Tort Claim Delegation

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) regulations concerning delegation of authority to the Secretary of Veterans Affairs to consider, ascertain, adjust, determine, compromise, and settle claims under the Federal Tort Claims Act where the amount of settlement does not exceed \$300,000, and the Secretary's redelegation of such authority to certain personnel within the Office of the General Counsel. The amendments will facilitate the timely processing of claims under the Federal Tort Claims Act by expanding VA's settlement authority and clarifying the delegation of such authority within the Department.

**DATES:** Effective Date: December 18, 2009.

**FOR FURTHER INFORMATION CONTACT:** E. Douglas Bradshaw, Jr., Assistant General Counsel (021), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-4900. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Section 203 of the Veterans Benefits and Services Act of 1988 (Pub. L. 100-322) added former section 223 to title 38, United States Code (recodified in 1991 as 38 U.S.C. 515), permitting the Secretary of Veterans Affairs to settle tort claims not exceeding an amount to be delegated by the Attorney General of the United States (with the delegation not to exceed the maximum delegated to the United States Attorneys). In 1988, the Attorney General delegated \$100,000 in settlement authority to the Secretary. 53 FR 37753, Sept. 28, 1988. In 1999, VA published a final rule reflecting that the Attorney General increased the delegation to \$200,000. 64 FR 47111, Aug. 30, 1999. In 2008, the Attorney General increased the delegation of settlement authority to \$300,000. 73 FR 70278, Nov. 20, 2008.

Current § 14.600 does not reflect the Attorney General's 2008 delegation or VA's determination regarding the necessary redelegations to Office of the General Counsel (OGC) personnel. The purpose of this rulemaking is to update VA regulations in light of the Attorney General's action increasing the amount of VA's settlement authority for tort claims and also to allow for the further delegation of this authority within OGC as necessary.

This amendment to 38 CFR 14.600(c)(2) delegates to the General Counsel, Deputy General Counsel, Assistant General Counsel (Professional Staff Group I), or those authorized to act for them, authority to consider, ascertain, adjust, determine, compromise, and settle a claim arising under the Federal Tort Claims Act; provided that any award, compromise, or settlement in excess of \$300,000 shall be effected only with the prior written approval of the Attorney General or his or her designee. The amendment also provides for the execution of a memorandum explaining the basis for settlement of a claim in excess of \$100,000 to be sent to the Department of Justice (DOJ), as required by the Attorney General's delegation to the Secretary.

Authority is also delegated to the Regional Counsels, or those authorized to act for them, and to the Deputy Assistant General Counsel (Professional Staff Group I) to consider, ascertain, adjust, determine, compromise, and settle any claim under the Federal Tort Claims Act; provided that any award, compromise, or settlement does not exceed \$150,000; and provided, further, that whenever a settlement is effected in an amount in excess of \$100,000, a memorandum fully explaining the basis for the action taken shall be sent to the DOJ, as required by the Attorney General's delegation to the Secretary.

This rule further amends § 14.600 to incorporate notes (1), (2), and (3) into the regulation text. We have determined that the notes, which prescribe the requirement for notifying DOJ of the basis for any settlement of a tort action under VA's delegated authority, are more appropriate for regulation text. Accordingly, we have amended § 14.600(c) and (d) to incorporate the DOJ notification requirement and delete the notes.

#### Administrative Procedure Act

This final rule concerns agency organization, management, procedure, or practice, specifically delegation of authority to employees of the Department to perform certain acts or render decisions. Accordingly, because

this amendment merely reflects a delegation change and makes other non-substantive changes, this rule is exempt from the prior notice-and-comment and delayed-effective-date requirements of 5 U.S.C. 553.

#### Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

#### Executive Order 12866

Because this document is limited to agency organization and management, it is not within the definition of "regulation" in section 3(d) of Executive Order 12866 and therefore not subject to that Executive Order's requirements for regulatory actions.

#### Regulatory Flexibility Act

The initial and final regulatory flexibility analysis requirements of sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 601–612, are not applicable to this rule because a notice of proposed rulemaking is not required for this rule. Even so, the Secretary of Veterans Affairs 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. This final rule will not affect any small entities. Only VA employees 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.

#### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, codified at 2 U.S.C. 1532, requires that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

#### Catalog of Federal Domestic Assistance

There is no Catalog of Federal Domestic Assistance number for this final rule.

#### List of Subjects in 38 CFR Part 14

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping

requirements, Surety bonds, Trusts and trustees, Veterans, and General Counsel.

Approved: December 10, 2009.

**John R. Gingrich,**

*Chief of Staff, Department of Veterans Affairs.*

■ For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 14 as follows:

#### PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS

■ 1. Revise the authority citation for part 14 to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 512, 515, 5502, 5901–5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

- 2. Amend § 14.600 by:  
■ a. Revising paragraphs (c)(2), (c)(3), and (d)(2);  
■ b. Removing notes (1), (2), and (3).

The revision reads as follows:

#### § 14.600 Federal Tort Claims Act—general.

\* \* \* \* \*

(c) \* \* \*

(2) To the General Counsel, Deputy General Counsel, and Assistant General Counsel (Professional Staff Group I) or those authorized to act for them with respect to any claim; provided that any award, compromise, or settlement in excess of \$300,000 shall be effected only with the prior written approval of the Attorney General or his or her designee; provided further that whenever a settlement is effected in an amount in excess of \$100,000, a memorandum fully explaining the basis for the action taken shall be sent to the Department of Justice.

(3) To the Regional Counsels and the Deputy Assistant General Counsel (Professional Staff Group I) or those authorized to act for them with respect to any claim, provided that:

(i) Any award, compromise, or settlement in excess of \$150,000 but not more than \$300,000 shall be effected only with the prior written approval of the General Counsel, Deputy General Counsel, or Assistant General Counsel (Professional Staff Group I); provided further that whenever a settlement is effected in an amount in excess of \$100,000, a memorandum fully explaining the basis for the action taken shall be sent to the Department of Justice; and

(ii) Any award where, for any reason, the compromise of a particular claim, as a practical matter, will, or may control the disposition of a related claim in which the amount to be paid may exceed \$150,000 shall be effected only with the prior written approval of the

General Counsel, Deputy General Counsel, or Assistant General Counsel (Professional Staff Group I); and

(iii) Any award, compromise, or settlement in excess of \$300,000 shall be effected only with the prior written approval of the General Counsel, Deputy General Counsel, or Assistant General Counsel (Professional Staff Group I) and with the prior written approval of the Attorney General or his or her designee.

(d) \* \* \*

(2) To the General Counsel, Deputy General Counsel, and Assistant General Counsel (Professional Staff Group I) with respect to any claim; provided that any award, compromise, or settlement in excess of \$300,000 shall be effected only with the prior written approval of the Attorney General or his or her designee; provided further that whenever a settlement is effected in an amount in excess of \$100,000, a memorandum fully explaining the basis for the action taken shall be sent to the Department of Justice.

(Authority: 28 U.S.C. 1291, 1346, 1402, 2401, 2402, 2411, 2412, 2671–80; 38 U.S.C. 512, 515; 28 CFR part 14, appendix to part 14)

[FR Doc. E9–30093 Filed 12–17–09; 8:45 am]

**BILLING CODE P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[VA201–5202; FRL–9093–6]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference; Correction

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

**ACTION:** Final rule; notice of administrative change; correcting amendment.

**SUMMARY:** This document corrects errors in the part 52 Identification of Plan tables for Virginia published on July 13, 2009 which summarizes the applicable regulatory, source-specific, and non-regulatory requirements which comprise the current EPA-approved Virginia State Implementation Plan (SIP).

**DATES: Effective Date:** This action is effective December 18, 2009.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and

Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW, Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566–1742; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

#### FOR FURTHER INFORMATION CONTACT:

Harold A. Frankford, (215) 814–2108 or by e-mail at [frankford.harold@epa.gov](mailto:frankford.harold@epa.gov).

**SUPPLEMENTARY INFORMATION:** On July 13, 2009 (74 FR 33332), EPA published an update of materials submitted by Virginia that are incorporated by reference (IBR) into the Virginia State implementation plan (SIP) as of June 1, 2009. The regulations, source-specific requirements, and non-regulatory requirements affected by this update (summarized in the tables cited as 40 CFR 52.2420(c), (d), and (e) respectively) had been previously submitted by the Virginia Department of Environmental Quality (DEQ) and approved by EPA. In this update action, EPA announced the following revisions to entries listed in the paragraph 52.2420(c), (d) and (e) tables:

- Correction of typographical errors to the text and the dates published in these tables.
- Removal of the quotation marks from the terms listed in the “Explanation [former SIP section]” column.
- Removal of entries 5–80–1835, 5–80–1845, and 5–80–1855, from the paragraph (c) table, since they are designated as “reserved,” and contain no text that is incorporated by reference.

• Correction of the date format in the paragraph (c), (d) and (e) tables so that there were no placeholder zeros in the month or day (e.g., the date format would be 1/1/08, not 01/01/08).

However, the tables cited as 40 CFR 52.2420(c) through (e), and published on pages 33334 through 33364, still contained entries that did not reflect the described revisions. This action corrects those tables in 40 CFR 52.2420(c) through (e), as described herein:

1. Page 33334—a. Entry 5–10–20—in the “Explanation [former SIP citation]” column, remove the quotation marks from “volatile organic compound.”

b. Entries 5–20–203 and 5–20–204—revise the date in the “State effective date” column from “7/29/08” to “12/12/07.”

2. Page 33335—a. Entries 5–20–205—revise the date format in the “State effective date” column from “01/01/98,” “04/01/98,” “01/01/99,” and “08/25/04” to “1/1/98,” “4/1/98,” “1/1/99” and “8/25/04,” respectively.

b. Entry 5–20–206—revise the date format in the “State effective date” column from “10/04/06” to “10/4/06.”

3. Page 33338—a. The first entry for 5–40–1670, in the “Title/subject” column, capitalize the first word in each listed definition.

b. Entries 5–40–1670 (second entry), and 5–40–1750—revise the date format in the “State effective date” column from “4/01/99” to “4/1/99.”

4. Page 33339—Entry 5–40–1810—revise the date format in the “State effective date” column from “4/01/99” to “4/1/99.”

5. Page 33345—a. Entry 5–40–5610—in the “Explanation [former SIP citation]” column, move the term “clean wood” from list of “terms added” to the list of “terms revised.”

b. Remove the first entry for 5–40–5700 from the table in paragraph (c).

6. Page 33347—Entry 5–40–7810—in the “Title/subject” column, capitalize the first word in each listed definition.

7. Page 33350—Remove “reserved” entries 5–80–1835, 5–80–1845 and 5–80–1855 from the table in paragraph (c).

8. Page 33355—Entry 5–140–1150—restore the EPA approval date and page citation (12/28/07, 72 FR 73602) in the “EPA approval date” column.

9. Page 33356—Entry 5–140–1800—restore the State effective date and the EPA approval date and page citation in the “State effective date” and “EPA approval date” columns, respectively.

10. Pages 33361 and 33362—Revise the date format in the “EPA approval date” column from “1/02/01” to “1/2/01” for the following entries in the paragraph (d) table:

Cellofoam North America, Inc.—Falmouth Plant [Consent Agreement].

CNG Transmission Corporation—Leesburg Compressor Station [Permit to Operate]. Columbia Gas Transmission Company—Loudoun County Compressor Station [Permit to Operate].

District of Columbia’s Department of Corrections—Lorton Correctional Facility [Permit to Operate].

Michigan Cogeneration Systems, Inc.—Fairfax County I–95 Landfill [Permit to Operate]. Metropolitan Washington Airports Authority—Ronald Reagan Washington National Airport [Permit to Operate].

Noman M. Cole, Jr., Pollution Control Plant [Consent Agreement].

Ogden Martin Systems of Alexandria/Arlington, Inc. [Consent Agreement].