

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 proposed rule would affect only VA's processing of claims and will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 19

Administrative practice and procedure, Claims, Veterans.

Approved: June 25, 1997.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 19 is proposed to be amended as set forth below:

PART 19—BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS

1. The authority citation for part 19 continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. In subpart A, § 19.9 is revised to read as follows:

§ 19.9 Remand for further development.

(a) *General.* If further evidence or clarification of the evidence or correction of a procedural defect is essential for a proper appellate decision, a Member or panel of Members of the Board shall remand the case to the agency of original jurisdiction, specifying the action to be undertaken. A remand is not required to clarify procedural matters before the Board, including appellant's choice of representative before the Board, the issues on appeal, and requests for hearings before the Board.

(b) *Scope.* This section does not apply to:

(1) The Board's requests for opinions under Rule 901 (§ 20.901 of this chapter);

(2) The Board's supplementation of the record with recognized medical treatises; and

(3) Matters over which the Board has original jurisdiction described in Rules 609 and 610 (§§ 20.609 and 20.610 of this chapter).

(Authority: 38 U.S.C. 7102, 7103(c), 7104(a))

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL-5852-8]

Operating Permits Program; Notice to Defer Comments on Draft Part 70 Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice to defer comments.

SUMMARY: Today's document advises the public to defer comment on draft revisions to the operating permits regulations in part 70 of chapter I, title 40, of the Code of Federal Regulations and an accompanying memorandum of options. The draft regulatory revisions and accompanying memorandum were made available for public review on May 14, 1997. Availability of the draft revisions and a 30-day comment period was announced in the **Federal Register** on June 3, 1997. The regulatory revisions will be revised and reissued for review with a new comment period. **DATES:** As specified in the June 3, 1997 notice, if comments on the May 14, 1997 draft part 70 revisions are submitted, they must still be received by July 3, 1997. However, a new draft will be issued at a future date with an accompanying 30-day period for review and comment.

ADDRESSES: The current draft part 70 revisions and accompanying memorandum are available in EPA's Air Docket number A-93-50 as items VI-A-1, VI-A-2, and VI-A-3. The future revised draft will also be placed in this docket and will be announced in a future notice of availability in the **Federal Register**. This docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday. A reasonable fee may be charged for copying. The address of the EPA air docket is: U.S. EPA, Air Docket Office (6102), Attention: Docket Number A-93-50, Room M-1500, Waterside Mall, 401 M Street Southwest, Washington, DC 20460.

The current draft regulatory revisions and accompanying memorandum (and the future revised draft) may also be downloaded from the Internet at: <http://134.67.104.12/html/caaa/t5pg.htm> or <http://tnwww.rtpnc.epa.gov>.

FOR FURTHER INFORMATION CONTACT: Ray Vogel (telephone 919-541-3153) or Roger Powell (telephone 919-541-5331), U.S. EPA, Information Transfer and Program Integration Division (MD-12), Research Triangle Park, North

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SUPPLEMENTARY INFORMATION: On June 3, 1997, EPA announced in the **Federal Register** (62 FR 30289) availability for public review of a May 14, 1997 draft regulatory revisions package that, when published, will promulgate revisions to the part 70 operating permit regulations. The May 14, 1997 draft was made available on EPA's Technology Transfer Network computer bulletin board and was placed in the Agency's air docket number A-93-50. The EPA also made available a memorandum of options relating to "minor permit revisions" that are under consideration for the final revisions. The public was asked to submit comments on these draft regulatory revisions and the additional options by July 3, 1997. Today's notice defers comment on the draft part 70 regulatory revisions until a future draft is made available for review and comment.

Since May 14, 1997, the Agency has continued to address issues associated with the draft part 70 permit revisions and the accompanying options. When these issues are adequately addressed, the Agency will revise the draft part 70 regulations and provide an opportunity for public comment. Consequently, EPA advises the public to forgo comment on the May 14, 1997 draft revisions and accompanying options and wait until the revised draft provisions are made available for public review. The comment period for the revised draft will be published in a future **Federal Register** notice.

Dated: June 18, 1997.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 385

[FHWA Docket No. MC-94-22; FHWA-97-2252]

RIN 2125-AC-71

Safety Fitness Procedure; Safety Ratings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Proposed rule; additional comments.