

**SUMMARY:** The Department of Veterans Affairs (VA) proposes to amend a Board of Veterans' Appeals (Board) Rule of Practice, pertaining to a type of notice given in simultaneously contested claim appeals, to eliminate an inconsistency between that Rule of Practice and other Board Regulations.

**DATES:** Comments must be received on or before November 30, 1999.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AJ73." All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565-5978.

**SUPPLEMENTARY INFORMATION:** Initial decisions on claims for veterans' benefits are made at VA field offices throughout the nation. Claimants may appeal those decisions to the Board.

Most of the proceedings before the Board involve only one party, a claimant for VA benefits who is dissatisfied with the VA field office decision in his or her case. However, there are a few multiparty proceedings before the Board known as "simultaneously contested claims." These contested claims arise out of situations where "the allowance of one claim results in the disallowance of another claim involving the same benefit or the allowance of one claim results in the payment of a lesser benefit to another claimant." 38 CFR 20.3(o). Typical examples might be cases in which two different parties are each seeking recognition as the beneficiary of the same life insurance proceeds or status recognition as a veteran's lawful spouse in order to qualify for a variety of survivor's benefits.

38 U.S.C. 7105A(b) provides that when one contesting party files his or her "formal appeal," the "substance" of the formal appeal will be communicated to the other contesting parties who then have 30 days to file an answering brief or argument.

This statutory provision is currently implemented in two regulations. The first, 38 CFR 19.102, describes VA's duties to furnish other contesting parties

with the content of the "Substantive Appeal" (the regulatory equivalent of the statutory "formal appeal") "to the extent that it contains information which could directly affect the payment or potential payment of the benefit which is the subject of the contested claim." The second, a Rule of Practice at 38 CFR 20.502 that tells other contesting parties how long they have to respond, incorrectly indicates that the responding contesting parties are given copies of the Substantive Appeal, rather than its relevant substance. In this document, VA proposes to revise § 20.502 to make it consistent with § 19.102. The presumption concerning the date of furnishing this information has also been modified to remove its tie to mailing, inasmuch as neither 38 U.S.C. 7105A(b) nor 38 CFR 19.102 limits the means of delivery to mailing.

The Secretary hereby certifies that this proposed rule would 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, inasmuch as this rule applies to individual claimants for veterans' benefits and does not affect such entities. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirement of sections 603 and 604.

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

#### List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans, Authority delegations (Government agencies).

Approved: September 22, 1999

**Togo D. West, Jr.,**  
Secretary of Veterans Affairs.

For the reasons set out in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 20 as follows:

#### PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

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

2. Section 20.502 is revised to read as follows:

**§ 20.502 Rule 502. Time limit for response to appeal by another contesting party in a simultaneously contested claim.**

A party to a simultaneously contested claim may file a brief or argument in answer to a Substantive Appeal filed by

another contesting party. Any such brief or argument must be filed with the agency of original jurisdiction within 30 days from the date the content of the Substantive Appeal is furnished as provided in § 19.102 of this chapter. Such content will be presumed to have been furnished on the date of the letter which accompanies the content.

(Authority: 38 U.S.C. 7105A(b))

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[FRL-6450-4]

#### Assessment of Visibility Impairment at the Grand Canyon National Park:

##### Advance Notice of Proposed Rulemaking; Extension of Public Comment Period

**AGENCY:** Environmental Protection Agency.

**ACTION:** Advance notice of proposed rulemaking; extension of public comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is extending the comment period for an advance notice of proposed rulemaking, published June 17, 1999 (64 FR 32458), regarding visibility impairment at the Grand Canyon National Park (GCNP) and the possibility that the Mohave Generating Station (MGS) in Laughlin, Nevada may contribute to that impairment. In the June 17 notice, EPA requests information that it should consider in determining whether visibility problems at the GCNP can be reasonably attributed to MGS, and if so, what, if any, pollution control requirements should be applied.

The public comment period for the advance notice of proposed rulemaking was originally due to expire on August 16, 1999. On August 6, 1999, at the request of Southern California Edison Company, EPA published a notice extending the public comment period for 30 days (64 FR 42891). On September 14, 1999, at the request of the Grand Canyon Trust, EPA published a notice extending the public comment period for an additional 15 days (64 FR 49756). At the request of both Southern California Edison and the Grand Canyon Trust, EPA is now extending the public comment period for an additional 21 days.

**DATES:** The comment period on the advance notice of proposed rulemaking is extended until October 21, 1999.

**ADDRESSES:** Comments should be submitted (in duplicate, if possible) to: EPA Region IX, 75 Hawthorne Street (AIR2), San Francisco, CA 94105, Attn: Regina Spindler.

**FOR FURTHER INFORMATION CONTACT:** Regina Spindler (415) 744-1251, Planning Office (AIR2), Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: September 24, 1999.

**Felicia Marcus,**

*Regional Administrator, Region 9.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 122, 123, 124, 130, and 131

[FRL-6446-8]

#### **Proposed Revisions to the Water Quality Planning and Management Regulation, and Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy in Support of Proposed Revisions to the Water Quality Planning and Management Regulation**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On August 23, 1999, EPA issued two proposed rules to revise, clarify and strengthen the current regulatory requirements for identifying impaired waters and establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act: revisions to the Water Quality Planning and Management Regulation (64 FR 46012); and revisions to the National Pollutant Discharge Elimination System (NPDES) Program and Federal Antidegradation Policy (64 FR 46058) in support of the revisions at (64 FR 46012). These proposed regulatory revisions address issues of fundamental importance to cleaning up our Nation's polluted waters. Listing impaired and threatened waters and establishing TMDLs are fundamental tools for identifying remaining sources of water pollution and achieving water quality goals. Clean-up plans developed consistent with these regulatory proposals will help to restore the health of thousands of miles of river and shoreline and make

millions of lake acres safe for their designated uses.

EPA sought comment on both sets of proposed rules by October 22, 1999. It is EPA's intent to provide the public and all stakeholders an adequate period of time to fully analyze the issues and prepare comprehensive comments. Therefore, we are extending the comment period an additional 60 days for a total comment period of 120 days.

**DATES:** Comments on these proposals must be submitted on or before December 22, 1999. Comments provided electronically will be considered timely if they are submitted by 11:59 P.M. (Eastern time) December 22, 1999.

**ADDRESSES:** Send written comments on the Proposed Revisions to the Water Quality Planning and Management Regulation to the Comment Clerk for the TMDL Program Rule, Water Docket (W-98-31), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Send written comments on the Revisions to the NPDES Program and Federal Antidegradation Policy in Support of Proposed Revisions to the Water Quality Planning and Management Regulation to the Comment Clerk, Water Docket (W-99-04), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

EPA requests that commenters submit any references cited in their comments. EPA also requests that commenters submit an original and 3 copies of their written comments and enclosures. Commenters that want receipt of their comments acknowledged should include a self-addressed, stamped envelope. All comments must be postmarked or delivered by hand. No facsimiles (faxes) will be accepted.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epa.gov. Electronic comments must be submitted as an ASCII or WordPerfect file avoiding the use of special characters and any form on encryption. Electronic comments must be identified by the appropriate docket number (W-98-31 for the TMDL rule and W-99-04 for the NPDES Program/Federal Antidegradation Policy rule), and may be filed online at many Federal Depository Libraries. No confidential business information (CBI) should be sent via e-mail.

A copy of the supporting documents cited in the proposals are available for review at EPA's Water Docket; Room EB-57 (East Tower Basement), 401 M Street, SW, Washington, DC 20460. For access to docket materials, call (202)

260-3027 between 9 a.m. and 3:30 p.m. for an appointment. An electronic version of the TMDL proposal is available via the Internet at: <http://www.epa.gov/OWOW/tmdl/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Hazel Groman, US EPA, Office of Wetlands, Oceans and Watersheds (4503F), 401 M. St., SW, Washington, DC 20640, (202) 260-4078 for the TMDL rule. Kim Kramer, Office of Wastewater Management, 401 M. St., SW, Washington, DC 20640, Mail Code 4203, e-mail: Kramer.Kim@epa.gov, telephone: (202) 260-8541 for information regarding the NPDES provisions, or Susan Gilbertson, Office of Science and Technology, 401 M. St., SW, Washington, DC 20640, Mail Code 4305, e-mail: Gilbertson.Sue@epa.gov, telephone (202) 260-7301 for information regarding the water quality standards provisions.

Dated: September 24, 1999.

**Dana D. Minerva,**

*Acting Assistant Administrator for Water.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 197

RIN 2060-AE30

[FRL-6450-2]

#### **Opportunity To Present Oral Testimony on Environmental Radiation Protection Standards for Yucca Mountain, Nevada; Notice of Public Hearings**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; notice of public hearings.

**SUMMARY:** The Environmental Protection Agency (EPA) will conduct public hearings to receive comments on its proposed radiation protection standards for Yucca Mountain, Nevada, in Washington, DC; Amargosa Valley, NV; Las Vegas, NV; and Kansas City, MO in October.

The proposed standards were published in the **Federal Register** on August 27, 1999. The 90-day public comment period closes November 26.

**DATES:** The schedule for the hearings is as follows: Washington, DC, October 13, 1999, from 9:00 a.m. to 5:00 p.m.; Amargosa Valley, NV, October 19, 1999, beginning at 12:00 Noon; Las Vegas, NV, October 20, 1999, from 12:00 p.m. to