§ 21.50 Accuracy, linkage, and consistency of evidence.

(a) Accuracy. Each determination of significant vocational impairment must be supported by clear and convincing evidence in the record.

(b) Linkage. VA will develop evidence that connects the individual’s service-connected disability(ies) to the individual’s overall significant vocational impairment.

(c) Consistency. VA will develop evidence that the individual’s service-connected disability(ies) consistent with his or her abilities, aptitudes, and interests do not contribute to the individual’s overall significant vocational impairment.

§ 21.52 Determining serious employment handicap.

(a) Requirements for determining serious employment handicap. For each individual who is found to have an employment handicap, a CP or VRC must make a separate determination of the individual’s serious employment handicap.

(b) Factors for assessment during the initial evaluation, when determining whether a significant vocational impairment exists. The combination of all restrictions and their effects on the individual define the extent of the vocational impairment and its significance. When determining whether the individual has a significant vocational impairment, VA will develop and assess the following factors and their effects:

(1) Number of disabling conditions;
(2) Severity of disabling condition(s);
(3) Existence of neuropsychiatric condition(s);
(4) Adequacy of education or training for suitable employment;
(5) Number, length, and frequency of periods of unemployment or underemployment;
(6) A pattern of reliance on government support programs, such as welfare, service-connected disability compensation, nonservice-connected disability pension, worker’s compensation, or Social Security disability;
(7) Extent and complexity of services and assistance the individual needs to achieve rehabilitation;

(8) Negative attitudes toward individuals with disabilities and other evidence of restrictions on suitable employment, such as labor market conditions; discrimination based on age, race, gender, disability or other factors; alcoholism or other substance abuse; and

(9) Other factors that relate to preparing for, obtaining, or keeping employment consistent with the individual’s abilities, aptitudes, and interests.

Authority: 38 U.S.C. 3101, 3102
subsequently received a timely relevant adverse comment on the direct final rule. Therefore, EPA is withdrawing the direct final approval, as well as the finding of adequacy for the MVEBs. EPA will address the comment in a subsequent final action based on the parallel proposal also published on January 23, 2007 (72 FR 2825).

DATES: The direct final rule published on January 23, 2007 (72 FR 2776), is withdrawn as of March 26, 2007.

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, Air Planning Section, (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–8542; fax number 214–665–7263; e-mail address riley.jeffrey@epa.gov.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

40 CFR Part 82

Environmental protection, Air pollution control, National parks, Wilderness areas.


Lawrence E. Starfield,
Acting Regional Administrator, Region 6.

Accordingly, the amendments to 40 CFR 52.2270(e) and to 40 CFR 81.344 published in the Federal Register on January 23, 2007 (72 FR 2776), which were to become effective on March 26, 2007, are withdrawn.

[FR Doc. E7–2770 Filed 3–23–07; 8:45 am] BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272


New York: Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act (RCRA), allows the Environmental Protection Agency (EPA) to authorize States to operate their hazardous waste management programs in lieu of the Federal program. EPA uses the regulations entitled “Approved State Hazardous Waste Management Programs” to provide notice of the authorization status of State programs and to incorporate by reference those provisions of the State regulations that will be subject to EPA’s inspection and enforcement. This rule does not incorporate by reference the New York hazardous waste statutes. The rule codifies in the regulations the prior approval of New York’s hazardous waste management program and incorporates by reference authorized provisions of the State’s regulations. In addition, this document corrects errors made in the program revision table in Section C published in the January 11, 2005 Federal Register authorization document for New York.

DATES: This regulation is effective May 25, 2007, unless EPA receives adverse written comment on this regulation by the close of business April 25, 2007. If EPA receives such comments, it will publish a timely withdrawal of this immediate final rule in the Federal Register informing the public that this rule will not take effect. The Director of the Federal Register approves this incorporation by reference as of May 25, 2007 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–RCRA–2006–0518, by one of the following methods:


• E-mail: infurna.michael@epa.gov.

• Fax: (212) 637–3056.

• Mail: Send written comments to Michael Infurna, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 22nd Floor, New York, NY 10007.

• Hand Delivery or Courier: Deliver your comments to Michael Infurna, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 22nd Floor, New York, NY 10007.

Instructions: Direct your comments to Docket ID No. EPA–R02–RCRA–2006–0518. EPA’s policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov, or e-mail. The Federal www.regulations.gov Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption, and be free of any defects or viruses. (For additional information about EPA’s public docket, visit the EPA Docket Center homepage at http://www.epa.gov/epahome/dockets.htm).

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in http://www.regulations.gov or in hard copy. You can inspect the records related to this codification effort in the EPA Region 2 Library, 290 Broadway, 16th Floor, New York, NY 10007; Phone number: (212) 637–3185. The public is advised to call in advance to verify the business hours.

FOR FURTHER INFORMATION CONTACT: Michael Infurna, Division of Environmental Planning and Protection, EPA Region 2, 290 Broadway, 22nd floor, New York, NY 10007; telephone number (212) 637–4177; fax number: (212) 637–3056; e-mail address: infurna.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Correction

There were typographical errors and omissions in the table published as part of the January 11, 2005 (70 FR 1827) authorization document for New York. The affected entries for that table are