

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))

[FR Doc. 97-17414 Filed 7-2-97; 8:45 am]

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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

Carolina 27711. Internet addresses are: vogel.ray@epamail.epa.gov and powell.roger@epamail.epa.gov.

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.

[FR Doc. 97-17477 Filed 7-2-97; 8:45 am]

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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.

SUMMARY: On May 28, 1997, the FHWA published a notice of proposed rulemaking in response to a decision of the U.S. Court of Appeals, District of Columbia. In the rulemaking the FHWA proposed to incorporate a modified Safety Fitness Rating methodology, which would be used to measure the safety fitness of motor carriers against the safety fitness standard, as an appendix to its Safety Fitness Procedures regulations.

On February 7, 1997, the FHWA received data from the ATA Litigation Center on behalf of the American Trucking Association (ATA). The comments concerned the sampling methodology used by the FHWA in conducting compliance reviews, which the ATA believes to be biased. Subsequently, on May 29, 1997, the ATA asked that these comments be placed in the docket for consideration in this rulemaking.

The comments are being placed in Docket No. MC-94-22; FHWA-97-2252 and will be considered in this rulemaking.

DATES: Comments on this rulemaking must be received on or before July 28, 1997.

ADDRESSES: The ATA Litigation Center comments will be considered in this rulemaking and are being placed in Docket No. MC-94-22; FHWA-97-2252 at U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, D.C. 20590-0001. These comments and all others received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. Those persons or organizations desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Hill, Vehicle and Operations Division, Office of Motor Carrier Research and Standards, (202) 366-4009, or Mr. Charles Medalen, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m to 4:15 p.m., e.t., Monday through Friday, except holidays.

(49 U.S.C. 104, 504, 521 (b)(5)(A), 5113, 31136, 31144, and 31502; 49 CFR 1.48)

Issued on: June 24, 1997.

Jane Garvey,

Acting Administrator for the Federal Highway Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 970626157-7157-01; I.D. 041697C]

RIN 0648-AJ65

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Effort Controls

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; public hearings; request for comments.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic tuna fisheries to set Atlantic bluefin tuna (ABT) General category effort controls for the 1997 fishing year. The proposed regulatory amendments are necessary to achieve domestic management objectives. NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed amendments.

DATES: Comments are invited and must be received on or before July 17, 1997. The hearings are scheduled as follows:

1. Tuesday, July 8, 1997, 7 to 10 p.m., Plymouth, MA.
2. Wednesday, July 9, 1997, 7 to 10 p.m., Brunswick, ME.
3. Wednesday, July 9, 1997, 7 to 9 p.m., Silver Spring, MD.

ADDRESSES: Comments on the proposed rule should be sent to, and copies of supporting documents, including a Draft Environmental Assessment-Regulatory Impact Review (EA/RIR), are available from, Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282.

The hearing locations are:

1. Plymouth—Plymouth North High School, Obery Street, Plymouth, MA 02360.
2. Brunswick—Atrium Inn and Conference Center, Cooks Corner, Brunswick, ME 04011.
3. Silver Spring—Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

These public hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rebecca Lent by July 3, 1997.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to carry out ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Relation to Advance Notice of Proposed Rulemaking (ANPR)

These proposed amendments address in part comments submitted to NMFS in response to an ANPR (61 FR 48876, September 17, 1996). In the ANPR, NMFS requested comment on measures necessary to implement quota modifications and/or any other management recommendations for Atlantic tunas following the 1996 meeting of ICCAT. As stated in the ANPR, NMFS is required under ATCA to establish ABT quotas consistent with the recommendations of ICCAT. Under this legislative requirement, allocation of the U.S. ABT quota has been designed to collect the scientific information necessary to monitor the status of the ABT resource and, consistent with this, to achieve an equitable distribution of fishing opportunities to all fishing categories and all geographic areas.

The ANPR established a 30-day comment period during which NMFS received numerous comments on General category effort controls.

In the 1995 and 1996 General category fishery, NMFS implemented time-period subquotas and restricted fishing days to increase the likelihood that fishing would continue throughout the summer and fall for scientific monitoring purposes. These subquotas also were designed to address concerns regarding allocation of fishing opportunities, to allow for a late season fishery, and to improve market conditions. Due to delayed effectiveness, monthly quotas were not fully implemented in 1995. In order to evaluate fully the potential of an effort control system using monthly quotas and restricted fishing days, the program was reinitiated for the entire 1996 General category season. Results were mixed; quota was available for the General category to remain open later in the season, but only for a few days, and under "derby" fishing conditions (high