

amendment to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 119, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until November 17, 1994.

**FOR FURTHER INFORMATION CONTACT:** Lorna Weston, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7210.

**SUPPLEMENTARY INFORMATION:** The Radiation-Exposed Veterans Compensation Act of 1988, Pub. L. 100-321, which was enacted May 20, 1988, established a presumption of service connection for specific radiogenic diseases arising in veterans who had been present at the occupation of Hiroshima or Nagasaki, who had potentially been exposed to ionizing radiation as prisoners of war in Japan during World War II, or who had participated onsite in a test involving the atmospheric detonation of a nuclear device.

On June 21, 1989, VA published regulations at 38 CFR 3.309 to implement the provisions of Pub. L. 100-321. Under these regulations, if a veteran who was present at one of the specified sites during the appropriate time subsequently develops one of the specified radiogenic diseases, that condition is presumed to have resulted from the veteran's in-service exposure to ionizing radiation. In formulating these regulations, VA relied on the introductory language of the statute, which indicated that it was to apply to veterans "who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program." The effect of that rulemaking was to exclude those veterans exposed to ionizing radiation during atmospheric nuclear testing by governments allied with the United States during World War II from the presumption of service connection.

VA is aware that veterans who were involved in allied atmospheric nuclear tests as part of their active military duty are at the same risk of developing a radiogenic disease as veterans who were present at atmospheric tests conducted by the United States. Under current regulations, however, these veterans are not entitled to presumptive service connection for the radiogenic conditions listed at 38 CFR 3.309(d)(2). In the

judgement of the Secretary of Veterans Affairs, it is only equitable that VA provide service connection for radiogenic diseases on the same presumptive basis for these veterans as for veterans exposed to ionizing radiation due to atmospheric nuclear detonations conducted as a part of the U.S. testing program.

Therefore, under the broad general rulemaking authority granted the Secretary under the provisions of 38 U.S.C. 501(a), and the authority to compensate for service-connected disabilities under 38 U.S.C. 1110 and 1131, we are amending 38 CFR 3.309(d) to extend the presumption that radiogenic diseases are the result of in-service exposure to ionizing radiation to veterans who were present at atmospheric nuclear tests conducted by any government allied with the United States during World War II.

We propose to make this amendment effective the date of publication of the final rule.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 506(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.109 and 64.110.

#### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: July 7, 1994.

**Jesse Brown,**  
*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR Part 3 is amended to read as follows:

### PART 3—ADJUDICATION

#### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

#### § 3.309 [Amended]

2. In § 3.309, paragraph (d)(3)(ii)(A) is amended by removing the period and adding in its place, the words "or by the government of any nation allied with the United States during World War II."

3. In § 3.309, paragraph (d)(3)(v) is amended by removing the word "The" at the beginning of the sentence, and inserting in its place the words "For tests conducted by the United States, the".

4. The authority citation following § 3.309(d)(3)(vii)(D) is revised to read as follows:

(Authority: 38 U.S.C. 1110; 1112; 1131).

{FR Doc. 94-21854 Filed 9-7-94; 8:45 am}

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[MI21-03-6635; AMS-FRL-5067-1]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Extension of Comment Period

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

**ACTION:** Notice of proposed rulemaking; extension of the comment period.

**SUMMARY:** The EPA is extending the comment period for a proposed action published on July 21, 1994 (59 FR 37190) pertaining to the Detroit-Ann Arbor moderate ozone nonattainment area. On July 21, 1994, the EPA proposed approval of requested revisions to the Michigan State Implementation Plan (SIP) for attainment and maintenance of the National Ambient Air Quality Standard for ozone. The revisions were the 1990 base year emission inventory, basic vehicle inspection and maintenance, and redesignation of the Detroit-Ann Arbor area to attainment for ozone and corresponding section 175A maintenance plan. Portions of the document pertaining to the redesignation request and section 175A maintenance plan were inadvertently excluded from the document. Specifically, the last portion of section C.III.5.B. Demonstration of Maintenance—Projected Inventories and the first portion of section C.III.5.C. Verification of Continued Attainment were excluded. Elsewhere in this **Federal Register** a correction notice is being published for these two sections. Consequently, the EPA is extending the

comment period for 15 days on the redesignation and corresponding section 175A maintenance plan.

**DATES:** Comments on the July 21, 1994 (59 FR 37190) proposed action pertaining to the redesignation and corresponding section 175A maintenance plan and today's correction document must be received in writing by September 23, 1994.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Nwia, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT-18), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6081.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects**

**40 CFR Part 52**

Environmental protection, Air pollution control, Nitrogen oxides, Ozone, Volatile organic compounds, Hydrocarbons, Intergovernmental relations, Motor vehicle pollution, Reporting and recordkeeping requirements.

**40 CFR Part 81**

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

**Authority:** 42 U.S.C. 7401-7671q.

**Dated:** August 26, 1994.

**Valdas V. Adamkus,**  
Regional Administrator.

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**40 CFR Part 60**

[FRL-5068-1]

**Standards of Performance for New Stationary Sources Starch Production Plants**

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

**ACTION:** Proposed rule and notice of public hearing.

**SUMMARY:** The proposed new source performance standards (NSPS) would limit emissions of particulate matter (PM) from new, modified, and reconstructed starch production plants. The proposed NSPS implement section 111 of the Clean Air Act, as amended (the Act), and are based upon the Administrator's determination that emissions from starch production plants cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or

welfare. The intent is to require new, modified, and reconstructed starch production plants to control emissions to the level achievable by the best demonstrated system of continuous emission reduction, taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentations of data, views, or arguments concerning the proposed standards.

**DATES:** *Comments.* Comments on the proposed standards must be received on or before November 7, 1994 at the address noted below.

*Public Hearing.* If anyone contacts the EPA requesting to speak at a public hearing by September 29, 1994, a public hearing will be held on October 11, 1994 beginning at 9:00 a.m. Persons interested in attending the hearing should call Ms. Brenda Overman at (919) 541-5595 to verify that a hearing will occur.

*Request to Speak at Hearing.* Persons wishing to present oral testimony must contact EPA by September 29, 1994.

**ADDRESSES:** Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A-94-18 at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (formerly known as the Air Docket) (6102), 401 M Street, SW., Washington, DC 20460. The Agency requests that a separate copy also be sent to the contact person listed below. The docket is located at the above address in room M-1500, Waterside Mall (ground floor), and may be inspected from 8 a.m. to 4 p.m., Monday through Friday. The proposed regulatory text and other materials related to this rulemaking are available for review in the docket center or copies may be mailed on request from the Air and Radiation Docket and Information Center by calling (202) 260-7548 or 7549. The FAX number for the Center is (202) 260-4000. A reasonable fee may be charged for copying docket materials. The proposed regulatory text and other materials are also available on the Technology Transfer Network (TTN), one of EPA's electronic bulletin boards. The TTN provides information and technology exchange in various areas of air pollution control. The service is free, except for the cost of a phone call. Dial (919) 541-5742 for up to a 14,400 bps modem. If more information on the TTN is needed, call the TTN HELP line at (919) 541-5384.

*Public Hearing.* If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons wishing to present oral testimony should notify Ms. Brenda Overman, Industrial Studies Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5595, FAX number (919) 541-5600.

*Docket.* Docket No. A-94-18, containing supporting information used in developing the proposed standards, is available for public inspection and copying as noted above. The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) To serve as the record in case of judicial review.

**FOR FURTHER INFORMATION CONTACT:** For information concerning specific aspects of this proposal, contact Mr. William Maxwell [telephone number (919) 541-5430], Industrial Studies Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** The following outline is provided to aid in locating information in this document.

- I. Applicability and Summary of the Proposed Rule
- II. Additional Detailed Information
- III. Public Participation
- IV. Statutory Authority
- V. Administrative Designation and Regulatory Analysis
- VI. Compliance with Regulatory Flexibility Act
- VII. Paperwork Reduction Act

**I. Applicability and Summary of the Proposed Rule**

Typically, starch production plants are components of larger facilities that prepare a variety of products. For example, a corn wet milling facility will normally produce a range of products that can include animal feed, corn gluten, corn germ, germ meal, corn oil, starch, and starch derivatives. Starch derivatives can include modified specialty starches, dextrins, dextrose, corn syrup, high fructose corn syrup, ethanol, and a variety of sweeteners. Similar ranges of products may be derived from wheat, potatoes, or tapioca.

The provisions of this rule are applicable to the following affected