

service and excluding from consideration any increase in severity that is due to the natural progression of the condition. As with all other disabilities evaluated for VA purposes, the level of compensation would be determined under the provisions of VA's Schedule for Rating Disabilities.

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, 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. 605(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 number is 64.109.

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

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: May 27, 1997.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 3 is proposed to be amended as set forth below:

### 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.

2. Section 3.310 is amended by revising the section heading; by redesignating paragraph (b) as paragraph (c); and by adding a new paragraph (b) to read as follows:

#### **§ 3.310 Disabilities that are proximately due to, or aggravated by, service-connected disease or injury.**

\* \* \* \* \*

(b) *Aggravation of nonservice-connected disabilities.* Any increase in severity of a nonservice-connected disability that is proximately due to or the result of a service-connected disease or injury, rather than the normal progression of the disability, shall be service-connected. However, VA will not concede that a nonservice-connected disability was aggravated by

a service-connected disease or injury in the absence of medical evidence extant before the aggravation sufficient to establish the pre-aggravation severity of the disability. The rating activity will determine the pre- and post-aggravation levels of severity under the Schedule for Rating Disabilities and determine the extent of aggravation by deducting the pre-aggravation level of severity, as well as any increase in severity due to the normal progression of the disability, from the current level.

(Authority: 38 U.S.C. 1110 and 1131)

\* \* \* \* \*

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### ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Parts 60, 63, 260, 261, 264, 265, 266, 270, and 271**

[FRL-5834-5]

#### **Revised Technical Standards for Hazardous Waste Combustion Facilities; Extension of Comment Period**

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

**ACTION:** Notice of data availability; extension of comment period.

**SUMMARY:** Since publication of the notice of data availability (62 FR 24212 (May 2, 1997)), EPA has received several requests to extend the comment period. Accordingly, the Agency is extending the comment period 15 days to June 17, 1997.

**DATES:** The comment period is extended to June 17, 1997.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-97-CS4A-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, S.W., Washington, DC 20460. Deliveries of comments should be made to the Arlington, Virginia address listed below. Comments may be submitted electronically through the Internet to: [rcra-docket@epamail.epa.gov](mailto:rcra-docket@epamail.epa.gov). Comments in electronic format should also be identified by the docket number F-97-CS4A-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. For other information regarding submitting comments or viewing the comments received or supporting

information, please refer to the proposed rule (61 FR 17358 (April 19, 1996)).

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of the CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, S.W., Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC): Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. To review docket materials, the public must make an appointment by calling 703-603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15 per page.

#### **FOR FURTHER INFORMATION CONTACT:**

Larry Denyer, Office of Solid Waste (5302W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 703-308-8770, e-mail address: [denyer.larry@epamail.epa.gov](mailto:denyer.larry@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** On May 2, 1997, EPA published a notice of data availability. See 62 FR 24212. The Agency established a 30-day comment period and indicated that comments on the proposal would be accepted until June 2, 1997.

To date, EPA has received requests to extend the comment period from Ash Grove Cement Company, Cement Kiln Recycling Coalition, Chemical Manufacturers Association, Coalition for Responsible Waste Incineration, Holnam, Molten Metal Technology, Safety-Kleen, and Solite. Commenters felt the complexity of some of the issues in the NODA and the availability of certain data fields within the emissions database warranted an extension. Accordingly, the Agency is extending the comment period 15 days to June 17, 1997 to provide for a 45-day comment period.

Readers should again note that only comments about new information discussed in the May 2, 1997 notice will be considered by the Agency. Issues related solely to the April 19, 1996 proposed rule and other subsequent notices that are not directly affected by the documents or data referenced in today's Notice of Data Availability are not open for further comment.

Dated: May 22, 1997.

**Elizabeth Cotsworth,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 97-14581 Filed 6-3-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 180 and 185

[OPP-300475; FRL-5600-6]

#### (S)-Hydroprene Biochemical Pest Control Agent; Pesticide Tolerance

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

**ACTION:** Proposed Rule.

**SUMMARY:** EPA proposes to expand the tolerance for residues of hydroprene, [(S)-(Ethyl (2E,4E,7S)-3,7,11-trimethyl-2,4-dodecadienoate)], an insect growth regulator, on all food items in food-handling establishments to include perimeters and pantries, and warehouses to the list of permissible food storage sites and ultra low volume (ULV) fogging as a permissible treatment method under certain precautions and conditions. The Agency also proposes permitting the use of point source device treatments providing those devices do not come into direct contact with food preparation surfaces and are kept a minimum distance of 3 feet from exposed foods. The Agency is also proposing to restrict the tolerance expression to residues of [(S)-(Ethyl (2E,4E,7S)-3,7,11-trimethyl-2,4-dodecadienoate)], the S-racemer of hydroprene since the R-racemer is no longer being supported in reregistration. This regulation is proposed by the EPA at its own initiative.

**DATES:** Comments identified by the docket control number [OPP-300475] must be received on or before July 7, 1997.

**ADDRESSES:** Submit written comments by mail to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Public Docket, Room 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in

40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice.

Comments and data may also be submitted electronically by following the instructions under Unit IV of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

**FOR FURTHER INFORMATION CONTACT:** By mail: Diana Horne, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7501W) Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location, telephone number and e-mail address: Room 5-W38, 5th Floor, CS#1, 2800 Crystal Drive, Arlington, VA 22202 (703) 308-8367;

horne.diana@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA proposes to amend 40 CFR parts 180 and 185 by removing § 185.3625 and adding § 180.501, and by adding perimeters, pantries and warehouses to the list of permissible food storage sites and ultra low volume (ULV) fogging as a permissible treatment method under certain precautions and conditions. The Agency is also permitting the use of point source device treatments providing those devices do not come into direct contact with food preparation surfaces and must be kept a minimum distance of 3 feet from exposed foods. The Agency is also proposing to restrict the tolerance expression to residues of [(S)-(Ethyl (2E,4E,7S)-3,7,11-trimethyl-2,4-dodecadienoate)], the S-racemer of hydroprene. The R-racemer is being removed from the tolerance expression since Sandoz Agro Inc., the manufacturer, is supporting only the reregistration of (S)-hydroprene and no longer manufacturers the R/S hydroprene racemic mixture.

#### I. Background and Statutory Authority

In the **Federal Register** of August 12, 1992 (57 FR 36005), EPA promulgated a final rule which established a tolerance under sections 408 and 409 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a and 348, specifying a tolerance for (R)-hydroprene and (S)-hydroprene racemic mixture residues of the insect growth regulator in or on food commodities exposed during spot or crack and crevice treatment of food handling establishments at 0.2 ppm. This was in response to a pesticide tolerance petition (9H5573) filed by Zoecon Corporation.

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures.

New section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...." Section 408(b)(2)(D) specifies factors EPA is to consider in establishing a tolerance. Section 408(b)(3) requires EPA to determine that there is a practical method for detecting and measuring levels of the pesticide chemical residue in or on food and that the tolerance be set at a level at or above the limit of detection of the designated method. Section 408(b)(4) requires EPA to determine whether a maximum residue level has been established for the pesticide chemical by the Codex Alimentarius Commission. If so, and EPA does not propose to adopt that level, EPA must publish for public comment a notice explaining the reasons for departing from the Codex level. Section 408 governs EPA's establishment of exemptions from the requirement for a tolerance using the same safety standard as section 408(B)(2)(A) and incorporating the provisions of section 408(b)(2)(C) and (D). Section 408(e) gives EPA general authority to establish tolerances and exemptions from the requirement for a tolerance through notice and comment rulemaking procedures upon EPA's initiative.

New section 408(c)(2)(A)(i) allows EPA to establish an exemption from the