One of the other commenters sought to learn if the requirements of § 1.575 will become a part of all Federal programs. A written reply from the Agency explained that the section in question will implement the law with respect to social security numbers in veterans' benefits matters. The letter went on to explain that Section 7 of the Privacy Act of 1974 declares it unlawful for any Federal, State, or local government agency to deny to any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose a social security number.

Another person commenting suggested that lines 7 and 8 of paragraph (b) be rewritten to read: "will be counseled or advised in writing that:". The commenter stated that it may be advantageous to have written evidence that an individual has been counseled concerning voluntary disclosure of a social security number; it was suggested further, that written proof might prove useful when an individual states oral counseling has not been received when in fact it was given. The Agency concurs in this comment; however, implementing directives, rather than this section, will require that oral counselors furnish each individual counseled a printed statement concerning the Agency's solicitation and use of the social security number in much the same format as will be included on applications for benefits or other solicitations forwarded by mail.

As noted above, paragraph (b) of the proposed § 1.575 in Title 38, Code of Federal Regulations, is therefore revised by the substitution of a new paragraph (b). An editorial change, for purposes of clarity, is made to the former paragraph (b)(3). The center head and accompanying note are deleted.

*Effective date.* This VA Regulation is effective December 31, 1974.

Approved: November 26, 1975.

[SEAL] R. L. ROUDEBUSH,
*Administrator.*

A new § 1.575 is added to read as follows:

**§ 1.575 Social security numbers in veterans' benefits matters**

(a) No one will be denied any right, benefit, or privilege provided by law because of refusal to disclose to the Veterans Administration a social security number.

(b) Anyone requested by the Veterans Administration to disclose a social security number will be advised, as prescribed by § 1.578(c), that disclosure is voluntary, that it is solicited under authority of title 38, United States Code, and that it will be used in the identification of veterans and their records in the administration of veterans' benefits.

[FR Doc.75-32454 Filed 12-2-75;8:45 am]

## PART 3—ADJUDICATION

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

### Disability Rating Determinations

On pages 45854 and 45855 of the FEDERAL REGISTER of October 3, 1975, there was published a notice of proposed regulatory development to change provisions in Part 3 of Title 38, Code of Federal Regulations, relating to disability rating determinations. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

One written comment on the proposed change was received. This comment was directed to § 3.157(b)(2), Title 38, Code of Federal Regulations. It suggested that the proposed amendment would eliminate the requirement that evidence from a private physician be verified by official examination prior to granting benefits for service-connected disability compensation. The regulatory amendment as published does not affect the meaning of the section. The change is editorial in nature and § 3.157(b)(2) continues to state that the only exceptions to the requirement, that a statement of a private physician be verified by official examination, are those listed in the proposed amendment to § 3.326(d). Since § 3.326(d) does not list service-connected disability compensation as an exception, such cases still require verification by VA examination.

For this reason the proposed amendment is hereby adopted without change and is set forth below.

*Effective date.* Sections 3.157, 3.314 and 3.326 are effective November 26, 1975. The amendment to § 3.315 is effective May 7, 1975, the date designated by Presidential Proclamation 4373 as the last day of the Vietnam era.

Approved: November 26, 1975.

[SEAL] R. L. ROUDEBUSH,
*Administrator.*

1. In § 3.157, paragraph (b)(2) and (3) is revised to read as follows:

**§ 3.157 Report of examination or hospitalization as a claim for increase or to reopen.**

* * * * *

(b) * * *

(2) *Evidence from a private physician or layman.* The date of receipt of such evidence will be accepted when the evidence furnished by or in behalf of the claimant is within the competence of the physician or lay person and shows the reasonable probability of entitlement to benefits. Except where the statement of a private physician meets the requirements of § 3.326(d), the evidence must be verified by official examination prior to granting benefits.

(3) *State and other institutions.* When submitted by or on behalf of the veteran and entitlement is shown, date of receipt by the Veterans Administration of examination reports, clinical records, and transcripts of records will be accepted as the date of receipt of a claim if received from State, county, municipal, recognized private institutions, or other Government hospitals (except those described in paragraph (b)(1) of this section). These records must be authenticated by an appropriate official of the institution. Benefits will be granted if the records are adequate for rating purposes; otherwise findings will be verified by official examination. Reports received from private institutions not listed by the American Hospital Association must be certified by the Chief Medical Officer of the Veterans Administration or physician designee.

2. In § 3.314, paragraphs (a)(2) and (b)(1) and (2) are revised to read as follows:

**§ 3.314 Basic pension determinations.**

(a) * * *

(2) Veterans entitled to pension on the basis of service in the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans who have elected pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on 100 percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d). (38 U.S.C. 502(b), (c), 512).

(b) *Mexican border period and later war periods.* Non-service-connected disability and death pension may be paid based on service in the Mexican border period, World War I, World War II, the Korean conflict and the Vietnam era. Rating determinations in such claims will be required in the following situations:

(1) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 521(g)(2)) unless, in the case of death pension, the veteran was, at the time of death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability. (38 U.S.C. 541(a) and 542(a))

(2) Determinations of permanent total disability for pension purposes will be based on non-service-connected disability or combined non-service-connected and service-connected disabilities not the result of willful misconduct or vicious habits. However, for pension under Public Law 86-211 (73 Stat. 432), permanent

and total disability will be presumed where the veteran has attained age 65.

(38 U.S.C. 502(a), 523(a)).

* * * * *

3. In § 3.315, paragraphs (b) and (c) are revised to read as follows:

**§ 3.315 Basic eligibility determinations; dependents, loans, education.**

* * * * *

(b) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301 (gg) and 36.4501 (o) of this chapter, eligibility of the veteran for a loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he or she had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964, or after May 7, 1975, are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability.

(38 U.S.C. 1802, 1818)

(c) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty, as defined in § 21.1040 of this chapter, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he or she had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence under § 3.304(b) and aggravation under § 3.306 (a) and (c), based on service rendered on or after February 1, 1955 and before August 5, 1964, or after May 7, 1975, and under § 3.306(b) based on service rendered during the Vietnam era.

(38 U.S.C. 1652(a))

4. Section 3.324 is revised to read as follows:

**§ 3.324 Multiple noncompensable service-connected disabilities.**

Whenever a veteran is suffering from two or more separate permanent service-connected disabilities of such character as clearly to interfere with normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule for Rating Disabilities the rating agency is authorized to apply a 10-percent rating, but not in combination with any other rating.

5. In § 3.326, paragraphs (a) and (d) are revised to read as follows:

**§ 3.326 Examinations.**

(a) Where the reasonable probability of a valid claim is indicated in any claim for disability compensation or pension, whether as an original claim, a reopened claim, or a claim for increase, including claims for benefits under the situations set forth in § 3.351 (d) and (e) and for benefits based on the need of a veteran, widow, widower, or parent for regular aid and attendance and for benefits based on a child's incapability of self-support, a Veterans Administration examination will be authorized.

* * * * *

(d) A statement from a private physician may be accepted for rating the pension claim of a veteran, widow, or widower, a claim for aid and attendance allowance by a widow, widower, or parent, or a claim by a child based on permanent incapability of self-support, without further examination where it includes clinical manifestations and substantiation of diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, X-rays and laboratory tests as appropriate, and is otherwise adequate for rating purposes.

[FR Doc.75-32455 Filed 12-2-75;8:45 am]

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## Title 40—Protection of the Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER N—EFFLUENT LIMITATIONS AND GUIDELINES

[FRL 463-5]

## PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

### Amendment to Regulations—Butadiene

The Environmental Protection Agency today amends the effluent limitations and guidelines with respect to the discharge of water pollutants generated in the manufacture of butadiene by the dehydrogenation of n-butane and subsequent oxidative-dehydrogenation of n-butene or butylene. (In some cases, a manufacturer may purchase rather than make an intermediate product such as butene. As long as the manufacturer uses the process involving oxidative-dehydrogenation of n-butene or butylene, it is covered by today's amendment.)

On Thursday, April 25, 1974, notice was published in the FEDERAL REGISTER of the adoption by the Environmental Protection Agency of affluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the major organic products segment of the organic chemicals manufacturing point source category (40 C.F.R. 414). This notice was published pursuant to Sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500 the "Act").

On June 12, 1974, a notice was published in the FEDERAL REGISTER (30 FR 20597) of corrections to portions of Part 414. Among these corrections were modifications to the regulations with respect to the manufacture of butadiene.

On September 9, 1974, the Petro-Tex Chemical Corporation and the Phillips Petroleum Company petitioned for review of the organic chemicals manufacturing effluent limitations and guidelines insofar as those regulations address the manufacture of butadiene by the oxidative-dehydrogenation of butane (U.S. Court of Appeals for the Fifth Circuit, No. 74-3306).

Concurrent with the filing of the petition for review, the petitioners asked the Environmental Protection Agency to reconsider those regulations being challenged in the Court of Appeals. The Agency agreed to this reconsideration and joined in a motion to the Court to defer formal proceedings pending outcome of the reconsideration process. EPA published in the FEDERAL REGISTER on April 16, 1975 (40 FR 17041) a notice of reconsideration of the regulations. In addition, EPA sent to manufacturers of butadiene, letters (pursuant to Section 308 of the Act) requesting detailed information relating to those manufacturing processes. The Agency has received substantial information from the recipients of those letters.

Based on information received in these letters, the Agency determined that the potential economic impact of the promulgation of these effluent limitations is minimal. In addition, it was found that none of the criteria for which Inflationary Impact Statements are required are met by the promulgation of these effluent limitations.

In addition to undertaking a review of the regulations relating to the manufacture of butadiene, the Agency staff has reviewed substantial submissions of data in connection with four other product-process lines included in the major organic products segment of the organic chemicals manufacturing point source category. By notice published August 15, 1975, (40 CFR 34409) the Agency indicated that it intends to modify the methodology used to develop the regulations for all of the product-process lines included in the major organic products segment. The reader should consult that notice for a thorough description of the probable change in regulatory methodology. The amendment announced today is consistent with the overall methodology set forth in that notice.

Pursuant to a court order issued by the United States Court of Appeals for the Fifth Circuit in case No. 74-3306, the amendment announced today relates only to effluent limitations and guidelines based upon best practicable control technology currently available. On these regulations the industry petitioners and the Agency agree. In the near future, EPA will propose amendments covering

best available technology economically achievable and new source performance standards.

The amendment announced today employs a numbering system which is consistent with changes proposed on August 15, 1975 (40 FR 34409), which changes will be finalized within the next two months.

A summary of findings, the data collected and the information received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 414 Organic Chemicals Manufacturing Point Source Category, Subcategory B, Manufacture of Butadiene is amended to read as set forth below. Proposal of this amendment was not published because of the need to meet deadlines contained in the court approved stipulation and in order to promptly resolve the litigation and end uncertainty concerning these regulations. The Agency, therefore, believes that good cause exists for the elimination of proposal and public comment prior to promulgation. The final regulation is promulgated as set forth below and shall be effective January 2, 1975.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
*Administrator.*

The following changes are made, effective immediately:

1. In § 414.22(b), delete the phrase "butadiene (oxidative-dehydrogenation of butylene)".

2. Amend § 414.22 by adding paragraph (e):

**§ 414.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

* * * * *

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of butadiene (by the dehydrogenation of butane followed by the oxidative-dehydrogenation of butene to butadiene) by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations | |
|---|---|---|
| | Maximum for any 1 day | Average of daily values for 30 consecutive days shall not exceed— |
| | Pounds per 1,000 lb product or kilograms per 1,000 kg of product | |
| BOD5 | 2.3 | 1.0 |
| TSS | 2.3 | 1.0 |
| pH | Within the range 6.0 to 9.0. | |

[FR Doc.75-32333 Filed 12-2-75;8:45 am]

[FRL 463-4]

## PART 414—EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

### Reconsideration of Ethylene Oxide, Ethylene Glycol, Methyl Amines and Oxo Chemicals Processes

The Environmental Protection Agency today establishes final amendments to regulations for the manufacture of ethylene oxide, ethylene glycol, methyl amines and oxo chemicals production subcategories of the organic chemicals manufacturing point source category. A notice of proposed amendments to these regulations appeared in the FEDERAL REGISTER on August 15, 1975 (40 FR 34409).

On April 25, 1974, the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq., promulgated effluent limitations guidelines for the Organic Chemicals Manufacturing Point Source Category (39 FR 14576) creating a new part 414 of 40 CFR Chapter I, Subchapter N. These regulations included limitations on discharges from the following manufacturing processes: ethylene oxide and methyl amines (40 CFR 414.20, 414.23 and 414.25) and ethylene glycol and oxo chemicals (40 CFR 414.30, 414.33 and 414.35).

Several corporations soon thereafter filed petitions for review with the United States Court of Appeals for the Fourth Circuit (No. 74-1459 etc.). On October 1, 1974, the Court ordered all the actions consolidated into two groups, the first group relating to effluent limitations and the second group relating to standards of performance for new sources. On October 7, 1974, the Court granted a joint motion and stipulation to sever consideration of Pretreatment Standards for New Sources and to defer consideration of Pretreatment Standards for New Sources until Pretreatment Standards for existing sources were promulgated.

On September 6, 1974, the DuPont Company requested that EPA reconsider regulations as they pertain to methyl amines. On September 20, 1974, in reliance on representations that substantial additional information would be forthcoming, EPA entered into a stipulation and joint motion to the Court, calling for the review by EPA of data the Petitioners had supplied and were to supply, with respect to the production of methyl amines. Under this stipulation and motion, which was granted by the Court on November 19, 1974, EPA was to make a determination on the basis of the new data, and recommend regulations for control of discharges resulting from production of methyl amines. On this basis, methyl amines were segregated from other processes at issue before the Court.

On September 18, 1974, the Celanese Chemical Company requested EPA to reconsider the regulations for ethylene oxide. On September 27, 1974, Union Carbide Corporation requested that the regulations for the ethylene glycol and ethylene oxide processes be reconsidered. On October 3, counsel for Exxon Chemical Company and Union Carbide Corporation asked for reconsideration of the limitations for the oxo chemicals manufacturing process. On the basis of representations from the companies noted above, and others, that substantial new data would be forthcoming, EPA joined in a stipulation and motion for reconsideration of the effluent limitations guidelines and new source performance standards for ethylene oxide, ethylene glycol, and oxo chemicals, which stipulation called for issuance of a determination respecting these manufacturing process lines by January 15, 1975, and for removing these categories from the cases before the Court for review. This motion was granted on November 19, 1974.

In early November EPA sent letters to manufacturers of all four chemicals under review at that time, requesting detailed information that would be useful in review of the existing regulations for those manufacturing processes. In response to these letters and as part of the general review some additional data was provided to EPA. This information was insufficient for EPA to determine that changes to the existing regulations were warranted. The industry representatives agreed that the data was insufficient and that additional data was necessary, and requested additional time to collect and submit these data.

In January, 1975, EPA sent letters to manufacturers of the four chemicals being reconsidered, requesting additional information, citing section 308 of the Federal Water Pollution Control Act as authority for EPA to require discharger to submit information for the purpose of developing effluent limitations guidelines. On January 27, 1975, the industry petitioners and EPA filed with the Court a joint motion and stipulation to extend the time for completion of reconsideration and issuance of a determination as to all four chemicals, to April 1, 1975. This motion was granted on January 29, 1975.

During February and March, 1975, the active industry petitioners in the cases pending before the Court of Appeals for the Fourth Circuit asked for additional time to develop and submit data. EPA agreed with petitioners that if substantial new information were submitted, EPA also would require additional time to review it. The information that had been submitted to the Agency was too fragmented to provide a legitimate basis for revising the existing effluent limitations guidelines. The Court ordered that any additional information must be submitted to EPA by June 10, 1974, and that EPA was to complete its review of the information by July 31, 1975. It was in compliance with that order that EPA published the notice of proposed rulemaking which appeared in the FEDERAL REGISTER on August 15, 1975 (40 FR 34409).

#### I. SUMMARY OF COMMENTS

Comments were received from the following sources in response to the August 15, 1975 notice:

Air Products and Chemicals Corporation; Allied Chemical Corporation;