

RECONCILIATION OF RELATIVE VALUE FOR THE SUBSEQUENT PERIOD

1 Product	2 PF shipments (mbbls)	3 Value/ barrel (PP) (wt. avg.)	4 Total value (2x3)	5 Relative value factor (3)/(8)	6 Feedstock distri. (5x2)	7 Liq. duties (6x(10) (9)
Month End:						
Motor Gasoline	90,212	\$35.27	\$3,181,777	1.095682	98,844	\$10,379
Total Alkylate	100,389	41.84	4,200,276	1.299783	130,484	13,701
Heavy Reformate	258,821	30.66	7,935,452	.952470	246,519	25,885
Reformer Feed	445,703	30.54	13,611,770	.948742	422,857	44,400
Raffinates	755,717	29.69	22,437,238	.922336	697,025	73,188
Jet Fuel	753,104	30.42	22,909,424	.945014	711,694	74,726
Total	2,403,946	74,275,937	2,307,423 (9)	242,279 (10)

Class III Crude Used 2,307,423x\$.105=\$242,279
 Volumetric Gain 96,523
 Avg. Value/Barrel Crude Used=\$74,275,937÷2,307,423=\$32.19 (8)

Note: Actual monthly reconciliation data could result in attributions on a product basis that are less than or greater than weekly distributions. This is due to the "weighing" of the data i.e., motor gasoline on a weekly basis was \$10,996 as compared to \$10,379 as above. No additional duties are due to the averaging.

Michael H. Lane,
 Acting Commissioner of Customs.

Approved: April 5, 1995.

John P. Simpson,
 Deputy Assistant Secretary of the Treasury.
 [FR Doc. 95-10226 Filed 4-26-95; 8:45 am]
 BILLING CODE 4820-02-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AH37

Time Limit for Filing a Claim for REPS Benefits

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning the special allowance known as REPS (Restored Entitlement Program for Survivors). This amendment is necessary to conform the regulations to a decision of the United States Court of Appeals for the Federal Circuit which upheld a decision of the United States Court of Veterans Appeals invalidating the VA regulation establishing a time limit for filing a claim for REPS benefits. The purpose of the amendment is to remove the time limit.

EFFECTIVE DATE: This amendment is effective April 27, 1995.

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

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 amended title 42, United States Code, to terminate or reduce payment of the Social Security child's insurance benefit and to terminate the mother's benefit at the point at which the youngest child reached age 16. Previously, the mother's benefit had terminated when the youngest child reached age 18. Section 156 of Pub. L. 97-377, which established a program known as the Restored Entitlement Program for Survivors or REPS, in effect, restored such terminated or reduced benefits for surviving spouses and children of veterans who died on active duty prior to August 13, 1981, or died as a result of service-connected disability incurred or aggravated prior to that date.

Under the authority granted in section 156, VA issued regulations, codified at 38 CFR 3.812, which implemented the statute. Paragraph (f) of § 3.812 provided that benefits could be paid from the first day of the month during which the claimant first became eligible, if application was filed within 11 months following that month. This paragraph was amended on June 28, 1993, to require that the application be filed within 6 months of the month during which the claimant first became eligible in order for benefits to be payable from the first day of the month in which eligibility arose.

The United States Court of Veterans Appeals struck down subsections (2) and (3) of 38 CFR 3.812(f), which specified the time limits for filing an application for REPS benefits, in the case of *Cole v. Derwinski*, 2 Vet. App. 400 (1992), *aff'd*, 35 F.3d 551 (Fed. Cir. 1994), involving a claim for the REPS mother's benefit. The court relied on its *Cole* decision in *Skinner v. Brown*, 4 Vet. App. 141 (1993), *aff'd*, 27 F.3d 1571 (Fed. Cir. 1994), a case involving a claim for the REPS child's benefit.

In affirming the Court of Veterans Appeals decision, the United States Court of Appeals for the Federal Circuit held that the VA regulation denying retroactive payment to claimants who failed to file a REPS claim within 6 months of the month entitlement arose was contrary to the plain meaning of the REPS statute, which imposes no time restrictions on filing, and was therefore invalid. Paragraph (f) of 38 CFR 3.812 is therefore amended to show that there is no time limit for filing a claim for REPS benefits. The only restriction on payment to an otherwise eligible claimant is that no payment can be made for any period prior to January 1, 1983, the effective date set by the REPS statute.

This final rule constitutes an interpretive rule. Accordingly, it is made effective upon publication.

The Secretary of Veterans Affairs certifies that this final rule 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. This amendment will directly affect VA beneficiaries but will not directly affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There are no affected Catalog of Federal Domestic Assistance Program numbers.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: April 7, 1995.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is 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 3.812 is amended by revising paragraph (f) and the authority citation following the paragraph to read as follows:

§ 3.812 Special allowance payable under section 156 of Pub. L. 97-377.

* * * * *

(f) *Retroactivity and effective dates.* There is no time limit for filing a claim for this special allowance. Upon the filing of a claim, benefits shall be payable for all periods of eligibility beginning on or after the first day of the month in which the claimant first became eligible for this special allowance, except that no payment may be made for any period prior to January 1, 1983.

(Authority: Sec. 156, Pub. L. 97-377, 96 Stat. 1830, 1920 (1982))

[FR Doc. 95-10315 Filed 4-26-95; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[W139-03-6674; FRL-5197-5]

Approval and Promulgation of Implementation Plan; Wisconsin; Correction

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Technical Amendment.

SUMMARY: This document contains corrections to a final rule which was published Monday, August 15, 1994 (59 FR 41711). The final rule approved volatile organic compound (VOC) regulations which were incorporated by reference into the Wisconsin State Implementation Plan (SIP).

EFFECTIVE DATE: This action is effective April 27, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino at (312) 886-1767.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1994 (59 FR 41709), the United States Environmental Protection Agency (USEPA) approved a revision to the Wisconsin SIP which replaced the 154 series stationary source VOC regulations previously contained in Wisconsin's ozone SIP with 400 series regulations which are consistent with the Wisconsin Administrative Code. However, when these regulations were incorporated by reference into the Wisconsin SIP, USEPA failed to include the effective dates of the regulations.

Need for Correction

As published, it is unclear which version of the State's regulations are being incorporated by reference.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Dated: March 31, 1995.

Valdas V. Adamkus,
Regional Administrator.

Correction of Publication

Accordingly, the publication on August 15, 1994, of the codification of the final regulations, which were the subject of FR Doc. 94-19842, is corrected by making the following technical amendments:

40 CFR Subpart YY—Wisconsin

Paragraph 52.2570(c)(73) is revised to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(73) Revisions to the ozone State Implementation Plan (SIP) were submitted by the Wisconsin Department of Natural Resources on September 22, 1993, and January 14, 1994. These rules replace the 154 series stationary source VOC regulations previously contained in Wisconsin's ozone SIP with 400 series regulations which are consistent with the current Wisconsin Administrative Code. These rules are only being approved as they apply to the ozone SIP.

(i) Incorporation by reference. The following chapters of the Wisconsin Administrative Code are incorporated by reference.

(A) Chapter NR 400: AIR POLLUTION CONTROL DEFINITIONS. NR 400.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 400.02 as published in the (Wisconsin) Register, June, 1993, No. 450, effective July 1, 1993.

(B) Chapter NR 419: CONTROL OF ORGANIC COMPOUND EMISSIONS, except for NR 419.07. NR 419.01, 419.02, 419.03, 419.04 and 419.06 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 419.05 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.

(C) Chapter NR 420: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM PETROLEUM AND GASOLINE SOURCES. NR 420.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March, 1, 1990. NR 420.02 and 420.045 as published in the (Wisconsin) Register, January, 1993, No. 445, effective February 1, 1993. NR 420.03 and 420.04 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 420.05 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992.

(D) Chapter NR 421: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM CHEMICAL, COATINGS AND RUBBER PRODUCTS MANUFACTURING. NR 421.01 as published in the (Wisconsin) Register, February, 1990, No. 410, Effective March 1, 1990. NR 421.02, 421.03, 421.05 and 421.06 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 421.04 as published in the (Wisconsin)