

decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

### 3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

### 4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

### 5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

### 6. Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

### List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 21, 1998.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

### PART 934—NORTH DAKOTA

1. The authority citation for part 934 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 934.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

#### § 934.15 Approval of North Dakota regulatory program amendments.

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
* April 9, 1998 .....	* January 8, 1999 .....	* Revegetation Success Policy Doc. II—C, Prime Farmlands standards. II—F, Woodlands cover standards. II—H, Wetlands standards. II—I, Recreational land use standards for tree and shrub stocking. III—D, Methods for sampling woodland cover.

#### § 934.16 [Amended]

3. Section 934.16 is amended by removing and reserving paragraphs (aa) and (bb).

[FR Doc. 99-383 Filed 1-7-99; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 290

[DCAA Reg. 5410.8]

#### Defense Contract Audit Agency (DCAA) Freedom of Information Act Program

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This administrative amendment is a result of the provisions of the Electronic Freedom of Information Act Amendments of 1996, updates address listings in Appendix B,

and makes other minor administrative changes.

**EFFECTIVE DATE:** January 8, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dave Henshall, (703) 767-1005.

**SUPPLEMENTARY INFORMATION:**

#### List of Subjects in 32 CFR Part 290

Freedom of information.

Accordingly, 32 CFR part 290 is amended to read as follows:

#### PART 290—[AMENDED]

1. The authority citation for part 290 continues to read as follows:

**Authority:** 5 U.S.C. 552.

#### § 290.4 [Amended]

2. Section 290.4 is amended by revising "It is the policy of DCAA to:" to read "Agency policy and procedures are those cited in DoD 5400.7-R. In addition, DCAA will:"

#### § 290.5 [Amended]

3. Section 290.5 is amended in paragraph (a) by revising "Chief,

Information Resources Management Branch (CMR)" to read "Chief, Administrative Management Division"

#### § 290.6 [Amended]

4. Section 290.6 is amended in paragraph (a)(1)(i) by revising "Information Resources Management Branch" to read "Chief, Administrative Management Division", paragraph (a)(2), introductory text, by removing "Chief, Information Resources Management Branch, CMR, under the supervision and guidance of the", paragraph (a)(3), introductory text, by revising "Chief, Information Resources Management Branch" to read "Chief, Administrative Management Division", paragraph (a)(3)(iii), by removing "5410.12<sup>5</sup>, Freedom of Information Act, A Manager's Guide to a Complex Law, and DCAA Pamphlet" and footnote 5, by redesignating footnotes "6 and 7" as "5 and 6", by removing paragraph (a)(3)(vii), redesignating paragraph (a)(3)(viii) as paragraph (a)(3)(vii), and in paragraph (b)(2)(iii), last sentence, by

revising "calendar" to read "fiscal" and "January" to read "October".

#### **§ 290.7 [Amended]**

5. Section 290.7 is amended in paragraph (b), last sentence, by revising "Appendix N." to read "Appendix G.", paragraph (d), last sentence, by removing "quarterly", in paragraph (e)(1), last sentence, by revising "CMO" to read "CM", paragraph (e)(3), last sentence, by revising "10" to read "20", paragraph (f)(4), first sentence, by capitalizing the "r and d" in "regional director", paragraph (f)(5)(i)(D) by revising "10" to read "20", paragraph (f)(5)(ii), introductory text, first sentence, by revising "10" to read "20", paragraph (f)(5)(ii), second sentence, by revising "10" to read "20", paragraph (f)(5)(iv), first sentence, by revising "10" to read "20", paragraph (f)(5)(iv), second sentence, by revising "10" to read "20".

#### **Appendix A to Part 290—[Amended]**

6. Appendix A to part 290, is amended in paragraph (e), first sentence, by revising "six" to read "five", in both instances, paragraph (e)(2)(iii), by adding "Defense Contract Audit Institute and the" before "Technical Services Center", paragraph (e)(2)(iv), by removing ", and supervises the Defense Contract Audit Institute in Memphis, Tennessee", paragraph (e)(3), first sentence, by revising "Lexington" to read "Lowell",

#### **Appendix B to Part 290—[Amended]**

7. Appendix B to part 290, under California, the introductory text is zing the "s" in "suite" to read "Suite", by revising "228-7036" to read "228-7083", under Georgia, the introductory text is amended by capitalizing the "s" in "suite", under Massachusetts, the introductory text is amended by revising "83 Hartwell Avenue, Lexington, MA 02173-3163, (617) 377-9756" to read "59 Composite Way, Suite 300, Lowell, MA 01851-5150, (978) 551-9722", under Virginia in the introductory text, by revising "CMR" to read "CM" and "(703) 767-1244" to read "(703) 767-1000", paragraph (a)(1), first sentence by revising "(703) 767-1244" to read "(703) 767-1066, after the first sentence, by adding "Many of these items, among others, may be obtained from the DCAA Web site.", and paragraph (a)(2), last sentence, by revising "CMR, Cameron Station, Alexandria, VA 22304-6178" to read "CM, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060-6219".

Dated: December 31, 1998.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 3**

**RIN 2900-AJ04**

### **Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** In a document published as a final rule in the **Federal Register** on August 24, 1998 (63 FR 45004), we amended our adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death due to VA hospital care, medical or surgical treatment, examination, or training and rehabilitation services. The amendments provided that benefits are payable for additional disability or death caused by VA hospital care, medical or surgical treatment, or examination only if VA fault or "an event not reasonably foreseeable" proximately caused the disability or death. Further, the amendments provided that benefits are also payable for additional disability or death proximately caused by VA's provision of training and rehabilitation services.

We established the amendments without prior notice and comment based on our conclusion that they consisted of only restatements and interpretations of statutory provisions. Judicial review has been sought on the basis that the rulemaking establishing the final rule constituted substantive rulemaking that required an opportunity for prior notice and comment. We believe that our action was legally correct. Even so, as provided in a settlement agreement, by this document we are rescinding the final rule of August 24. This moots the pending litigation. The rescinded rule will be considered to have no force or effect in any claim decided on or after August 24, 1998. Further, we intend to propose provisions similar to those in the rescinded rule in a document to be published in the Proposed Rules section of a future issue of the **Federal Register**. This will provide interested individuals

an opportunity to comment on the proposed amendments.

**DATES:** Effective Date: January 8, 1999.

**FOR FURTHER INFORMATION CONTACT:** David Barrans, Staff Attorney (022), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-6332.

**SUPPLEMENTARY INFORMATION:** This final rule concerns restatements and interpretations of statutory provisions. Accordingly, in accordance with the provisions of 5 U.S.C. 553, it is promulgated without notice and comment and without a delayed effective date.

The Secretary of Veterans Affairs hereby certifies that this rule 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. This rule only affects individuals. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking proceeding is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603-604.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109.

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

Administrative practice and procedure, Claims, Disability Benefits, Health Care, Pensions, Veterans, Vietnam.

Approved: January 5, 1999.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set forth above, 38 CFR part 3 is amended 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.

2. In § 3.358, the section heading and paragraph (a) are revised to read as follows:

#### **§ 3.358 Compensation for disability or death from hospitalization, medical or surgical treatment, examinations or vocational rehabilitation training (§ 3.800).**

(a) *General.* Where it is determined that there is additional disability resulting from a disease or injury or an aggravation of an existing disease or injury suffered as a result of training, hospitalization, medical or surgical