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.

[FR Doc. 99–274 Filed 1–7–99; 8:45 am]

BILLING CODE 5000–04–M

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

treatment, or examination, compensation will be payable for such additional disability.

(**Authority:** 38 U.S.C. 1151)

* * * * *

§§ 3.361 through 3.363 [Removed]

2. Sections 3.361 through 3.363 are removed.

§ 3.800 [Amended]

3. The introductory text to § 3.800 is removed.

[FR Doc. 99–432 Filed 1–7–99; 8:45 am]

BILLING CODE 8320–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300768; FRL 6050–5]

RIN 2070–AB78

Tebuconazole; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tebuconazole in or on grapes, grass forage, grass hay, grass seed screenings, grass straw, milk, meat by-products of cattle, goats, horses and sheep. Bayer Corporation requested these tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170).

DATES: This regulation is effective January 8, 1999. Objections and requests for hearings must be received by EPA on or before March 9, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300768], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300768], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300768]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mary Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9354; e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 2, 1997, (62 FR 16590) (5F4577) and of March 5, 1997, (62 FR 10047) (6F4669), EPA issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of pesticide petitions (PP) for tolerances by Bayer Corporation, 8400 Hawthorne Road, Kansas City, MO, 64120–0013 (amended in a letter from Bayer Corporation to EPA dated September 18, 1998). These notices included summaries of the petitions prepared by Bayer Corporation, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.474 be amended by establishing tolerances for residues of the fungicide, tebuconazole (alpha-[2-(4-chlorophenyl)-ethyl]-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol) in or on grapes at 5 parts per million (ppm), grass forage at 8 ppm, grass hay at 25 ppm, grass seed screenings at 55 ppm, grass straw at 30 ppm, and by establishing tolerances for the combined residues of tebuconazole and its 1-(4-chlorophenyl)-4,4-dimethyl-3-(1*H*-1,2,4-triazole-1-yl-methyl)-pentane-3,5-diol metabolite (HWG 2061), hereafter referred to in this document as tebuconazole, in milk at 0.1 ppm, and meat by-products of cattle, horses, goats and sheep at 0.2 ppm.

I. Risk Assessment and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA 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 and in residential settings, 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.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the Final Rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of tebuconazole and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of tebuconazole in or on grapes, grass forage, grass hay, grass seed screenings, grass straw, milk, meat by-products of cattle, horses, goats and sheep. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the