

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AJ70

Veterans Education: Montgomery GI Bill—Active Duty; Administrative Error

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and education benefit regulations of the Department of Veterans Affairs (VA). The amendment clarifies these provisions by stating that when VA, the Department of Defense (DOD), or the Department of Transportation (DOT) makes an administrative error or error in judgment that is the sole cause of an erroneous award under the Montgomery GI Bill—Active Duty, VA must reduce or terminate the award effective the date of last payment.

DATES: *Effective Date:* September 27, 1999.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: This document amends the educational assistance and education benefit regulations. VA, DOD, and DOT may occasionally make an administrative error or error in judgment that causes an overpayment of educational assistance under the Montgomery GI Bill—Active Duty (MGIB). Currently, 38 CFR 21.7135(v) provides that when an administrative error or error in judgment results in an erroneous award of educational assistance under the MGIB, the award will be reduced or terminated effective the date of last payment. This document clarifies these provisions by stating that the regulations cover administrative errors or errors in judgment made by VA, DOD, or DOT when the error is the sole cause of the erroneous award. This interprets statutory authority at 38 U.S.C. 5112(b) and 5113.

Administrative Procedure Act

This document sets forth interpretive provisions. Accordingly, there is a basis for dispensing with notice-and-comment and a delayed effective date under 5 U.S.C. 553.

Executive Order 12866

This final rule has been reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

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 will affect individuals, but it will not affect small entities. Pursuant to 5 U.S.C. 605(b), this rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 13, 1999.

Togo D. West, Jr.,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 21 (subpart K) is amended as set forth below:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

1. The authority citation for part 21, subpart K, continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In §21.7135, paragraph (v)(2) is revised to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *
(v) * * *

(2) When VA, the Department of Defense, or the Department of Transportation makes an administrative error or an error in judgment that is the sole cause of an erroneous award, VA must reduce or terminate the award effective the date of last payment.

(Authority: 38 U.S.C. 5112(b), 5113)

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[FR Doc. 99-25010 Filed 9-24-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300922; FRL-6382-5]

RIN 2070-AB78

Trifloxystrobin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for trifloxystrobin regulated as trifloxystrobin and the free form of its acid metabolite CGA-321113 in or on pome fruit, cucurbit vegetables, grapes, raisins, peanuts, peanut hay, wet apple pomace, milk, meat, fat and meat by-products of cattle, goats, hogs, horses and sheep and bananas. Novartis Crop Protection, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 27, 1999. Objections and requests for hearings, identified by docket control number OPP-300922, must be received by EPA on or before November 26, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-300922 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305-7740 and e-mail address: giles-parker.cynthia@epa.gov

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Cat-egories	NAICS	Examples of Poten-tially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing