necessary, any other supplier has about the expenses and payments described in paragraphs (a)(2) and (a)(3) of this section.

(Approved by the Office of Management and Budget under Control No. 3220–0031)

§ 219.60 When evidence of the employee's permanent home is required.

The Board may ask for evidence to prove where the employee had a permanent home at the time of filing an application or, if earlier, at the time the employee died if—

(a) The claimant is applying for payments as the employee's wife, husband, widow, widower, parent, or child; and

(b) The claimant's relationship to the employee depends upon the laws of the state where the employee had his or her permanent home when his or her wife or husband applied for an annuity or when the employee died.

§ 219.61 Evidence of where the employee had a permanent home.

The Board will ask for the following evidence to establish the employee's permanent home:

(a) The claimant's signed statement showing what the employee considered to be his or her permanent home.

(b) If the statement in paragraph (a) of this section or other evidence raises a reasonable doubt in establishing the employee's permanent home, evidence of where the employee paid personal property taxes, real estate taxes, or income taxes; or evidence where the employee voted; or other convincing evidence.

§ 219.62 When evidence of "good cause" is required.

The principle of "good cause", as defined in Part 217 of this chapter, is applied by the Board in determining whether to allow an application which is submitted more than two years after the employee's death as acceptable for the lump-sum death payment or for an annuity unpaid at death, or to accept the proof of support required for entitlement to a parent's annuity if such proof is filed more than two years after the employee's death.

§ 219.63 What evidence is required to establish "good cause".

The Board will ask for the following evidence of "good cause":

(a) The claimant's signed statement explaining why he or she did not file the application for lump-sum death payment or annuity unpaid at death or the parent's proof of support within the specified two-year period.

(b) If the statement in paragraph (a) of this section or other evidence raises a reasonable doubt as to whether there was good cause, other convincing evidence to establish "good cause".

§ 219.64 When evidence may be required for other reasons.

(a) The Board will require evidence of the appointment of a legal representative when—

(1) The employee's estate is entitled to a lump-sum death payment, annuity unpaid at death, or residual lump sum, and an executor or administrator has been appointed for the estate; or

(2) A minor child or incompetent is entitled to an annuity or lump-sum payment and a guardian, trustee, committee, or conservator has been appointed to act in his or her behalf.

(b) The Board will require evidence of an annuitant's earnings when the information that he or she furnished the Board does not agree with the earnings data furnished by the Social Security Administration or secured from other sources, and the annuitant maintains that the earnings data from the Social Security Administration or from other sources is not correct.

(c) The Board will require evidence to establish the amounts paid as a public service pension, public disability benefit, or worker's compensation to an employee, spouse, widow, or widower when the pension, public disability benefit, or worker's compensation affects the amount of his or her annuity.

(Approved by the Office of Management and Budget under Control Nos. 3220–0002, 3220–0136, and 3220–0154)

(d) The Board will require evidence to reconcile discrepancies between the information furnished by the claimant and information already in the records of the Board, the Social Security Administration, or other public agencies. Such discrepancies may be differences in name, date or place of birth, periods of employment, or other identifying data.

§ 219.65 Other types of evidence that may be required.

(a) The Board may ask for a statement from an employer listing the annuitant's earnings by months and explaining any payments made to the annuitant when he or she was not working.

(b) The Board may ask for copies of award notices from a public agency showing the amounts of periodic payments and the period covered by each payment.

(c) The Board may ask for a statement from the applicant explaining discrepancies and may ask for sworn statements from persons who have personal knowledge of the facts or for any other convincing evidence.

(d) The Board may ask for proof of the court appointment of a legal representative, such as:

(1) Certified copy of letters of appointment;

(2) "Short" certificate;

(3) Certified copy of order of appointment; or

(4) Any official document issued by the clerk or other proper official of the appointing court.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 89–18150 Filed 8–2–89; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 522 and 556

Animal Drugs, Feeds, and Related Products; Zeranol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pitman-Moore, Inc. The supplement provides for the following actions concerning use in cattle of the growth promotant zeranol: (1) Removal of the 65-day preslaughter withholding period; and (2) removal of the requirement for a method to monitor for drug residues in cattle tissues.

EFFECTIVE DATE: August 3, 1989.

FOR FURTHER INFORMATION CONTACT: Robert J. Condon, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Mundelein, IL 60060, is the sponsor of NADA 38–233 (53 FR 20842 at 20843; June 7, 1988), which provides for subcutaneous implantation of zeranol pellets in the ears of beef cattle as a growth promotant. The firm has submitted a supplemental NADA containing sufficient safety data to support removing the existing 65-day withholding period and granting a zero withholding period for use of the product in beef cattle at the currently approved dosage level of 36 milligrams per animal. Accordingly, the supplement is approved and 21 CFR 522.2680 is amended to reflect the approval.

Granting a zero withholding period eliminates the requirement for an analytical method to monitor for zeranol residues in cattle tissue. Therefore, the agency is also amending 21 CFR 556.760 to remove the aforementioned requirement.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 522

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 522 and 556 are amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 522.2680 [Amended]

2. Section 522.2680 Zeranol is amended in paragraph (f)(1)(iii) by removing "; do not implant animals within 65 days of slaughter", and by removing paragraph (f)(3)(iii).

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR Part 556 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

4. Section 556.760 is amended by removing the introductory text and by adding paragraphs (a) and (b) introductory text to read as follows:

§ 556.760 Zeranol.

(a) *Cattle.* A tolerance for total zeranol residues in uncooked edible tissues of cattle is not needed. The safe concentration for total zeranol residues in uncooked edible tissues of cattle is 150 parts per billion (ppb) in muscle, 300 ppb in liver, 450 ppb in kidney, and 600 ppb in fat. A tolerance refers to the concentration of marker residues in the target tissue used to monitor for total drug residues in the target animal. A safe concentration refers to the total residue concentration considered safe in edible tissues.

(b) *Sheep.* No residues of zeranol may be found in the uncooked edible tissues of sheep as determined by the following method of analysis:

* * * * *

Dated: July 26, 1989.

Robert C. Livingston,

Deputy Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 89-18118 Filed 8-2-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3 and Part 21

RIN 2900-AE05

Veterans Education; Disabling Effects of Chronic Alcoholism

AGENCY: Department of Veterans Affairs.

ACTION: Interim Regulations with Request for Comments.

SUMMARY: The Veterans Benefits and Programs Improvement Act of 1988 provides among other things that for the purposes of any provision relating to the extension of a delimiting period under any education benefit or rehabilitation program administered by the Department of Veterans Affairs, the disabling effects of chronic alcoholism shall not be considered to be the result of willful misconduct. These interim regulations will inform the public of the way in which the Department of Veterans Affairs will implement this provision of law with respect to the Post-Korean Conflict GI Bill.

DATES: Comments must be received on or before September 5, 1989. Comments will be available for public inspection until September 12, 1989. The effective date of these regulations, like the effective date of the provision of law they interpret is November 18, 1988. They will be effective until January 1, 1990.

ADDRESSES: Send written comments to: Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until September 12, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Zoeckler, Acting Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Veterans Benefits Administration, (202) 233-2092.

SUPPLEMENTARY INFORMATION: In order to track the language of section 109 of Pub. L. 100-689, the Veterans Benefits and Programs Improvement Act of 1988, an amendment is made to § 21.1043 to state that for the purposes of extending the eligibility period for educational assistance under Chapter 34, Title 38, United States Code, based upon a period of disability, the Department of Veterans Affairs will no longer consider the disabling effects of chronic alcoholism to be the result of willful misconduct. It also defines what the Department of Veterans Affairs considers the disabling effects of alcoholism to be for this purpose. This amendment will have no effect on provisions of the regulations relating to the compensation and pension programs. Several minor amendments are made to other regulations which appear in 38 CFR Part 3 to bring them into agreement with the amended § 21.1043.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs certifies that these amended regulations 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. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604. This certification can be made because the regulations effect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Department of Veterans Affairs is publishing the amended regulations as interim, immediately effective regulations without obtaining prior public comment. The Department of Veterans Affairs finds that good cause exists for dispensing with prior publication for public comment. As a result of the publicity surrounding the enactment of this law the Department of Veterans Affairs has already received many claims from potentially eligible Post-Korean Conflict veterans for an extension of the period of eligibility due to the alleged disabling effects of chronic alcoholism. Yet the law prohibits paying benefits to veterans eligible under the Post-Korean Conflict GI Bill for education or training completed after December 31, 1989. The usual procedure of first obtaining public comment would mean that it would be difficult to have final regulations before the 1989 deadline. This might have the effect of denying benefits to veterans who might otherwise be entitled to them. Consequently, a delay for prior public comment would be contrary to the public interest.

Moreover, these regulations constitute an interpretive rule defining the statutory term, "disabling effects of chronic alcoholism" for the purpose of an extension of the period of eligibility. This is necessary so that the Department of Veterans Affairs may act on the pending claims, since this new statutory term is not defined elsewhere.

However, because the Department of Veterans Affairs recognizes that reasonable persons may differ as to the interpretation of this term, we are inviting and will consider carefully comments on these interim regulations. Meanwhile, pending claims will be adjudicated on the basis of the interim regulation, so as not to delay an extension to those veterans who are clearly entitled to one.

Furthermore, the Secretary of Veterans Affairs has determined that good cause exists for making the effective date of these regulations retroactively effective on November 18, 1988. As noted above, to achieve the maximum benefit of the legislation for the affected individuals, it is necessary to implement this provision of law as soon as possible. A delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; and might result in denial of a benefit to a veteran who is entitled by law to it.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 7, 1989.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR Part 3, Adjudication, is amended as follows:

PART 3—[AMENDED]

1. In § 3.301, paragraph (b), the introductory text of paragraph (c), paragraph (c)(2), and the cross reference at the end of the section are revised to read as follows:

§ 3.301 Line of duty and misconduct.

* * * * *

(b) *Willful misconduct.* Disability pension is not payable for any condition due to the veteran's own willful misconduct.

(Authority: 38 U.S.C. 521)

(c) *Specific applications.* For the purpose of determining entitlement to service-connected and nonservice-connected benefits the definitions in §§ 3.1(m) and (n) of this part apply except as modified within paragraphs (c)(1) through (c)(3) of this section. The provisions of paragraphs (c)(2) and (c)(3) of this section are subject to the provisions of § 3.302 of this part where applicable.

(Authority: 38 U.S.C. 210(c))

* * * * *

(2) The simple drinking of alcoholic beverage is not of itself willful misconduct. The deliberate drinking of a known poisonous substance or under conditions which would raise a presumption to that effect will be considered willful misconduct. If, in the drinking of a beverage to enjoy its intoxicating effects, intoxication results proximately and immediately in disability or death, the disability or death will be considered the result of the person's willful misconduct. Organic diseases and disabilities which are a secondary result of the chronic use of alcohol as a beverage, whether out of compulsion or otherwise, will not be considered of willful misconduct origin. (See §§ 21.1043, 21.5041, and 21.7051 of this title regarding the disabling effects of chronic alcoholism for the purpose of extending delimiting periods under education or rehabilitation programs.)

(Authority: 38 U.S.C. 210(c))

* * * * *

Cross References: In line of duty. See § 3.1(m). Willful misconduct. See § 3.1(n). Extended period of eligibility. See §§ 21.1043 and 21.7051. Periods of entitlement. See § 21.5041.

§ 3.302 [Amended]

2. Section 3.302 is amended as follows:

a. In § 3.302(a)(2) remove the words "of willful misconduct" and add, in their place, the words "or willful misconduct".

b. In § 3.302(b)(1) remove the word "he" and add, in its place, the words "he or she".

c. In § 3.302(b)(1) remove the word "his" and add, in its place, the words "his or her".

d. In § 3.302(b)(3) remove the word "man" and add, in its place, the word "person".

PART 21—[AMENDED]

38 CFR Part 21, Vocational Rehabilitation and Education, is amended as follows:

3. In § 21.1043, paragraphs (b), (c), and (d) are redesignated as paragraphs (c), (d), and (e) respectively; paragraph (a)(2) is revised, new paragraph (b) is added; new paragraphs (c)(2) and (c)(3) are redesignated as paragraphs (c)(3) and (c)(4) and new paragraph (c)(2) is added, so the revised and added text reads as follows:

§ 21.1043 Extended period of eligibility.

(a) * * *

(2) The veteran was prevented from initiating or completing the chosen program of education within the otherwise applicable delimiting period because of a physical or mental disability that did not result from the willful misconduct of the veteran. It must be clearly established by medical evidence that such a program of education was medically infeasible. A veteran who is disabled for a period of 30 days or less will not be considered as having been prevented from initiating or completing a chosen program, unless the evidence establishes that the veteran was prevented from enrolling or

reenrolling in the chosen program of education, or was forced to discontinue attendance, because of the short disability.

(i) For the purposes of the extension of the period of eligibility described in this section, the Department of Veterans Affairs will not consider the disabling effects of chronic alcoholism to be the result of willful misconduct and will consider those disabling effects as physical or mental disabilities.

(ii) The provisions of paragraph (a)(2)(i) of the section will apply only when the last date of the time limit for filing a claim for the extension determined under § 21.1032(d) of this part occurs after November 17, 1988.

(Autority: 38 U.S.C. 1662; Pub. L. 100-689)

(b) *Disabling effects of chronic alcoholism.* (1) The term "disabling effects of chronic alcoholism" means alcohol-induced physical or mental disorders or both, such as habitual intoxication, withdrawal, delirium, amnesia, dementia, and other like manifestations of chronic alcoholism which, in the particular case,—

(i) Have been medically diagnosed as manifestations of alcohol dependency or chronic alcohol abuse, and

(ii) Are determined to have prevented commencement or completion of the affected individual's chosen program of education.

(2) A diagnosis of alcoholism, chronic alcoholism, alcohol-dependency, chronic alcohol abuse, etc., in and of itself, does not satisfy the definition of this term.

(3) Injury sustained by a veteran as a proximate and immediate result of activity undertaken by the veteran while physically or mentally unqualified to do so due to alcoholic intoxication is not considered a disabling effect of chronic alcoholism.

(Authority: 38 U.S.C. 105, 1662; Pub. L. 100-689)

(c) * * *

(2) Must be after November 17, 1988, if the veteran qualifies for the extended period of eligibility solely based on the disabling effects of chronic alcoholism, and

* * * * *

[FR Doc. 89-17975 Filed 8-2-89; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

RIN 2900-AD87

Veterans Education; Eligibility for Dependents' Educational Assistance

AGENCY: Department of Veterans Affairs.

ACTION: Final Regulations.

SUMMARY: Occasionally, a veteran's child will become eligible for dependents' educational assistance after the child's eighteenth birthday. The pertinent provision of the Code of Federal Regulations which addresses this situation incompletely states the applicable statutory requirement for determining the child's effective date of eligiblity. This final regulation will bring the Code of Federal Regulations into agreement with the law.

EFFECTIVE DATE: September 5, 1989.

FOR FURTHER INFORMATION CONTACT: Alan Zoeckler (225), Acting Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, D.C. 20420 (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 5945 and 5946 of the **Federal Register** of February 7, 1989, there was published a notice of intent to amend Part 21 to state more completely the method of determining a dependent child's effective date of eligibility for dependents' educational assistance. Interested people were given 30 days in which to submit comments, suggestions or objections. The Department of Veterans Affairs (VA) received no comments, suggestions or objections. Accordingly, VA is making the proposal final.

The Department of Veterans Affairs has determined that this amended regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs has certified that this amended regulation 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. Pursuant to 5 U.S.C. 605(b), the amended regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulation affects only individuals. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 5, 1989.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR Part 21 VOCATIONAL REHABILITATION AND EDUCATION is amended as set forth below:

§ 21.3041 [Amended]

1. In § 21.3041, paragraph (b)(2) is amended by removing the word "shall," and inserting in its place the word "may".

2. In § 21.3041, paragraphs (b)(2)(ii) and (b)(2)(iii) are redesignated as paragraphs (b)(2)(iii) and (b)(2)(iv), respectively.

3. In § 21.3041, paragraph (b)(2)(i) is revised, and paragraph (b)(2)(ii) is added, to read as follows:

§ 21.3041 Periods of eligibility; child.

* * * * *

(b) * * *

(2) * * *

(i) If the effective date of the permanent and total disability rating is before the child has reached 18 but the date of notification to the veteran from whom the child derives eligibility occurs after the child has reached 18, the beginning date of eligibility shall be the basic beginning date as determined in paragraph (a) of this section, or the date of notification to the veteran, whichever is more advantageous to the eligible child.

(ii) If the effective date of the permanent and total disability rating occurs after the child has reached 18 but before he or she has reached 26, the beginning date of eligibility will be the effective date of the rating or the date of notification to the veteran from whom the child derives eligibility, whichever is more advantageous to the eligible child.

(Authority: 38 U.S.C. 1712(a)(3), 1712(d))

* * * * *

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