

from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add temporary section 165.T01-040 to read as follows:

§ 165.T01-040 Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, New York.

(a) *Location.* The following area is a safety zone: all waters of the Hudson River within a 1000 yard radius of 41°56'06"N 073°57'57"W (NAD 1983). This area encompasses approximately 1,800 yards of Kingston Point Reach, from just south of red buoy #74 to green buoy #77.

(b) *Effective period.* This section is effective from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998.

(c) Regulations.

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 4, 1998.

Richard C. Vlaun,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 98-16239 Filed 6-18-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 0

RIN 2900-AJ27

Delegation of Authority for Certain Ethics Matters

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations captioned "Standards of Ethical Conduct and Related Responsibilities." It removes material regarding certain ethics determinations for agency employees. This material is not required to be published in the Code of Federal Regulations because it does not affect the public. It affects only internal VA practices.

DATES: *Effective Date:* June 19, 1998.

FOR FURTHER INFORMATION CONTACT: Walter A. Hall, Assistant General Counsel (023) and Designated Agency Ethics Official, Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-6334.

SUPPLEMENTARY INFORMATION: This document does not constitute rulemaking under the provisions of 5 U.S.C. 552 and 553. Accordingly, there is no basis for prior notice and comment or a delayed effective date.

This document does not concern a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601. Nevertheless, the Secretary hereby certifies that this regulatory amendment 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, because the amendment only affects individuals.

There is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 0

Conflict of interests.

Approved: May 27, 1998.

Togo D. West, Jr.,
Secretary.

For the reasons set forth in the preamble, 38 CFR part 0, subpart A, is amended as follows:

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501; see sections 201, 301, and 502(a) of E.O. 12674,

54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart A—General Provisions

§ 0.735-2 [Removed]

2. Section 0.735-2 is removed.

§ 0.735-3 [Redesignated as § 0.735-2]

3. Section 0.735-3 is redesignated as § 0.735-2.

[FR Doc. 98-16275 Filed 6-18-98; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Board of Veterans' Appeals

38 CFR Part 20

RIN 2900-AI87

Board of Veterans' Appeals: Rules of Practice—Continuation of Representation Following Death of a Claimant or Appellant

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Rules of Practice of the Board of Veterans' Appeals (Board) to eliminate a rule which automatically assigns a deceased appellant's representative to the appellant's survivor. This change is necessary because of a court ruling which eliminates the need for such a provision.

DATES: *Effective Date:* July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Chief Counsel, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202-565-5978).

SUPPLEMENTARY INFORMATION: On October 23, 1997, VA published in the **Federal Register** (62 FR 55200) a proposed rule which would eliminate a provision in the Board's Rules of Practice—Rule 611 (38 CFR 20.611)—permitting a deceased appellant's representative to continue to act with respect to any appeal pending upon the death of the appellant. We proposed this change because the U.S. Court of Veterans Appeals had ruled that, generally, a claim for benefits does not survive the death of the claimant. *Smith (Irma) v. Brown*, 10 Vet. App. 330 (1997).

The public was given 60 days to submit comments. VA received no comments.

Accordingly, based on the rationale set forth in the proposed rule document,

we are adopting without change the provisions of the proposed rule as a final rule.

The Secretary hereby certifies that this proposed 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 only the processing of claims by VA and will not 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 §§ 603 and 604. In addition, since no notice of proposed rule making is required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Veterans.

Approved: April 6, 1998.

Togo D. West, Jr.,
Acting Secretary.

For the reasons set out in the preamble, 38 CFR part 20 is amended as set forth below.

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a).

§ 20.611 [Removed]

2. In subpart G, § 20.611 is removed.

[FR Doc. 98-16363 Filed 6-18-98; 8:45 am]
BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 159

[OPP-60010J; FRL-5792-2]

RIN 2070-AB50

Reporting Requirements For Risk/Benefit Information; Amendment and Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This is a two-fold action to make minor adjustments to the reporting requirements for risk/benefit information regulation. EPA is amending and correcting the final regulation published in the **Federal**

Register on September 19, 1997 (62 FR 49370). The regulation codified EPA's interpretation and enforcement policy regarding the requirement of pesticide registrants to report to the Agency information concerning unreasonable adverse effects of their products as mandated in section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In the first part of this action, EPA is issuing a final rule to change the definition of a registrant to provide consistency with that which is in the statute. The amendment to the regulation will also serve to clarify the scope of the registrant's responsibilities and liabilities. In the second part of this action, the Agency is making technical corrections to the regulations for clarification purposes. These corrections include omitted, yet implied, reporting time frames and required information, missing conjunctions, and minor editorial changes.

DATES: These actions will become effective June 19, 1998.

FOR FURTHER INFORMATION CONTACT: By mail: Kathryn Bouve, Office of Pesticide Programs (7502C), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, Room 224, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703) 305-5032; bouve.kate@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Affected Parties

Entities potentially affected by this rule are persons who hold or ever held a pesticide registration under FIFRA section 3 or 24(c). This rule may also affect any officer, employee, agent, or any other person acting on behalf of a registrant. This listing is not intended to be exhaustive, but rather to provide examples of those entities that are likely to be affected by this action. To determine whether you or your business is affected, refer to the regulatory text contained in § 159.153 (definition of registrant), and § 159.155(d). Any questions regarding applicability should be directed to the Agency Contact Person listed above.

II. Background

In the **Federal Register** of September 19, 1997 (62 FR 49370) (FRL-5739-1), EPA issued a final rule to codify its interpretation and enforcement policy under section 6(a)(2) of FIFRA. This section of the law requires pesticide registrants to report information concerning unreasonable adverse effects of their products to EPA. The rule

clarifies what information must be submitted, how and when to submit it, as well as what failures to report information, or delays in reporting, will be regarded by EPA as violations of FIFRA section 6(a)(2), and actionable under FIFRA sections 12(a)(2)(B)(ii) and 12(a)(2)(N). The rule is to become effective on June 16, 1998. As published, the final regulation contains several errors which may prove to be misleading and are in need of clarification. This notice makes the needed corrections to the regulation.

EPA is issuing the first part of this action as a final rule without prior proposal because it believes public comment on this part of the rule would be unnecessary, impracticable, and contrary to the public interest, and therefore is not required pursuant to the "good cause" exemption under section 553(b)(B) of the Administrative Procedure Act. The Agency believes it is important to make this change as expeditiously as possible, so that the change can be incorporated into the new part 159 before publication of the next volume of the Code of Federal Regulations, and so that the change can be effective before the new part 159 becomes effective on June 16, 1998. A provision for public comments is not warranted because the rule only implements a technical correction and does not impose any new requirements. As explained below, the change is being made to assure that the definition of registrant in the rule is consistent with that which is in the underlying statute authorizing the rule.

III. Agency Decision

Section 6(a)(2) of FIFRA imposes an obligation on pesticide registrants to report to the Agency additional factual information regarding unreasonable adverse effects on the environment related to their pesticide products. By its terms, this requirement is placed only on a "registrant," a term defined in section 2(y) of FIFRA as "a person who has registered any pesticide pursuant to [FIFRA]."

The Agency changed the definition of "registrant" in the final rule issued on September 19, 1997 from that in the proposal to include agents and other persons acting on behalf of a registrant. As explained in the preamble to the final rule, the purpose of the change was to clarify that "registrants [are] responsible for the actions of their agents" and that "registrants will be held liable for the actions of their agents." The intent in drafting the rule was to make absolutely clear that a registrant is deemed to possess information when certain people