

itself it imposes no burdens on manufacturers. Thus, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

List of Subjects in 21 CFR Part 814

Administrative practice and procedure, Confidential business information, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 814 is amended as follows:

PART 814—PREMARKET APPROVAL OF MEDICAL DEVICES

1. The authority citation for 21 CFR part 814 continues to read as follows:

Authority: Secs. 501, 502, 503, 510, 513–520, 701, 702, 703, 704, 705, 708, 721, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 353, 360, 360c–360j, 371, 372, 373, 374, 375, 379, 379e, 381).

2. Section 814.3 is amended by adding new paragraphs (k) and (l) to read as follows:

§ 814.3 Definitions.

* * * * *

(k) *Reasonable probability* means that it is more likely than not that an event will occur.

(l) *Serious, adverse health consequences* means any significant adverse experience, including those which may be either life-threatening or involve permanent or long term injuries, but excluding injuries that are nonlife-threatening and that are temporary and reasonably reversible.

3. New § 814.47 is added to subpart C to read as follows:

§ 814.47 Temporary suspension of approval of a PMA.

(a) *Scope.* (1) This section describes the procedures that FDA will follow in exercising its authority under section 515(e)(3) of the act (21 U.S.C. 360e(e)(3)). This authority applies to the original PMA, as well as any PMA supplement(s), for a medical device.

(2) FDA will issue an order temporarily suspending approval of a PMA if FDA determines that there is a reasonable probability that continued distribution of the device would cause serious, adverse health consequences or death.

(b) *Regulatory hearing.* (1) If FDA believes that there is a reasonable probability that the continued

distribution of a device subject to an approved PMA would cause serious, adverse health consequences or death, FDA may initiate and conduct a regulatory hearing to determine whether to issue an order temporarily suspending approval of the PMA.

(2) Any regulatory hearing to determine whether to issue an order temporarily suspending approval of a PMA shall be initiated and conducted by FDA pursuant to part 16 of this chapter. If FDA believes that immediate action to remove a dangerous device from the market is necessary to protect the public health, the agency may, in accordance with § 16.60(h) of this chapter, waive, suspend, or modify any part 16 procedure pursuant to § 10.19 of this chapter.

(3) FDA shall deem the PMA holder's failure to request a hearing within the timeframe specified by FDA in the notice of opportunity for hearing to be a waiver.

(c) *Temporary suspension order.* If the PMA holder does not request a regulatory hearing or if, after the hearing, and after consideration of the administrative record of the hearing, FDA determines that there is a reasonable probability that the continued distribution of a device under an approved PMA would cause serious, adverse health consequences or death, the agency shall, under the authority of section 515(e)(3) of the act, issue an order to the PMA holder temporarily suspending approval of the PMA.

(d) *Permanent withdrawal of approval of the PMA.* If FDA issues an order temporarily suspending approval of a PMA, the agency shall proceed expeditiously, but within 60 days, to hold a hearing on whether to permanently withdraw approval of the PMA in accordance with section 515(e)(1) of the act and the procedures set out in § 814.46.

Dated: March 28, 1996.

William K. Hubbard,
Associate Commissioner for Policy
Coordination.

[FR Doc. 96–8361 Filed 4–4–96; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH14

Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty, 1994–95

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: By statute the monthly rates of basic educational assistance payable to veterans and servicemembers under the Montgomery GI Bill—Active Duty must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Active Duty for fiscal year 1995 (October 1, 1994 through September 30, 1995) are changed to show a 1.22% increase.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration (202) 273–7187.

SUPPLEMENTARY INFORMATION: Under the formula mandated by 38 U.S.C. 3015(g) and section 12009 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) for fiscal year 1995, the rates of basic educational assistance under the Montgomery GI Bill—Active Duty payable to students pursuing a program of education full time must be increased by one-half of the percentage that the total of the monthly Consumer Price Index-W for July 1, 1993 through June 30, 1994 exceeds the total of the monthly Consumer Price Index-W for July 1, 1992 through June 30, 1993. Under this formula, the changes to the regulations governing monthly rates reflect a 1.22% increase.

It should be noted that some veterans will receive an increase in monthly payments that will be less than 1.22%. The increase does not apply to additional amounts payable by the Secretary of Defense to individuals with skills or a specialty in which there is a critical shortage of personnel (so-called “kickers”). It does not apply to supplemental educational assistance. It also does not apply to amounts payable for dependents. Veterans who previously had eligibility under the Vietnam Era GI Bill receive monthly payments that are in part based upon basic educational assistance and in part based upon the rates payable under the Vietnam Era GI Bill. Only that portion attributable to basic educational assistance is increased by 1.22%.

Although 38 U.S.C. 3015(g) requires only that the full-time rates be increased, these revisions include increases for other training also. Monthly rates payable to veterans in apprenticeship or other on-job training or cooperative training are set by statute at a given percentage of the full-time rate. Hence, any rise in the full-time rate

automatically requires an increase in the rates for these types of training.

38 U.S.C. 3015 (a) and (b) require that the Department of Veterans Affairs (VA) pay part-time students at appropriately reduced rates. Since the first student became eligible for assistance under the Montgomery GI Bill—Active Duty in 1985, VA has paid three-quarter-time students and one-half-time students at 75% and 50% of the full-time rate, respectively. Students pursuing a program of education at less than one half but more than one-quarter-time have had their payments limited to 50% or less of the full-time rate. Similarly, students pursuing a program of education at one-quarter-time or less have had their payments limited to 25% or less of the full-time rate. Changes are made consistent with the authority and formula described in this paragraph.

Nonsubstantive changes also are made for the purpose of clarity.

The changes set forth in this final rule are applied retroactively from the effective date of the statutory changes.

Substantive changes made by this final rule merely reflect statutory requirements and adjustments made based on previously established formulas. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Secretary of Veterans Affairs hereby certifies that this final 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 final rule directly affects only individuals and does not directly affect small entities. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this final 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, Entitlement programs-education, Entitlement programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 28, 1996.
Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out 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 (New GI Bill)

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

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

2. In § 21.7136, paragraph (b)(3) is amended by removing “\$320” and adding, in its place, “\$323.90 for training that occurs after September 30, 1994, and before October 1, 1995”; paragraph (c)(3) is amended by removing “\$260” and adding, in its place, “\$263.18 for training that occurs after September 30, 1994, and before October 1, 1995.”; and paragraphs (b)(1), (b)(2), (c) introductory text, (c)(1), and (c)(2) and their authority citations are revised, to read as follows:

§ 21.7136 Rates of payment of basic educational assistance.

* * * * *

(b) *Rates.* (1) Except as provided in paragraphs (b)(2), (b)(3), and (d) of this section, the monthly rate of basic educational assistance payable for training that occurs after September 30, 1994, and before October 1, 1995, to a veteran whose service is described in paragraph (a) of this section is the rate stated in the following table.

Training	Monthly rate
Full time	\$404.88
¾ time	303.66
½ time	202.44
Less than ½ but more than ¼ time	202.44
¼ time or less	101.22

(Authority: 38 U.S.C. 3015; sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

(2) If a veteran’s service is described in paragraph (a) of this section, the monthly rate payable to the veteran for pursuit of an apprenticeship or other on-job training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program	\$303.66
Second six months of pursuit of program	222.68
Remaining pursuit of program	141.71

(Authority: 38 U.S.C. 3015, 3032(c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

* * * * *

(c) *Rates for some veterans whose initial obligated period of active duty is less than three years.* If a veteran has established eligibility under § 21.7042, but the veteran’s service is not described in paragraph (a)(2) of this section, the monthly rate of educational assistance payable to the veteran will be determined by this paragraph.

(1) Except as provided in paragraphs (c)(2), (c)(3), and (d) of this section, the monthly rate of basic educational assistance payable to a veteran for training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training	Monthly rate
Full time	\$328.97
¾ time	246.73
½ time	164.49
Less than ½ but more than ¼ time	164.49
¼ time or less	82.24

(Authority: 38 U.S.C. 3015, 3032(c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

(2) The monthly rate of educational assistance payable to a veteran for pursuit of an apprenticeship or other on-job training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program	\$246.73
Second six months of pursuit of program	180.93
Remaining pursuit of program	115.14

(Authority: 38 U.S.C. 3015, 3032(c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

* * * * *

3. In § 21.7137, paragraph (c)(2) introductory text is amended by removing “rates” and adding, in its place, “rates for training that occurs after September 30, 1994, and before October 1, 1995”; paragraph (c)(2)(i) is amended by removing “\$588.00” and adding, in its place, “\$592.88”; paragraph (c)(2)(ii) is amended by removing “\$441.00” and adding, in its

place, "\$445.16"; paragraph (c)(2)(iii) is amended by removing "\$294.00" and adding, in its place, "\$296.44"; paragraph (c)(2)(iv) is amended by removing "\$147.00" and adding, in its place, "\$148.22"; and paragraphs (a)(1)

and (a)(2) and their authority citations are revised, to read as follows:

§ 21.7137 Rates of payment of basic educational assistance for individuals with remaining entitlement under 38 U.S.C. ch. 34.

(a) *Minimum rates.* * * *

(1) Except as provided in paragraphs (a)(2), (b), and (c) of this section, the monthly rate of basic educational assistance for training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$592.88	\$628.88	\$659.88	\$16.00
¾ time	445.16	471.66	495.16	12.00
½ time	296.44	314.44	329.94	8.50
Less than ½ but more than ¼ time		296.44		
¼ time		148.22		
Cooperative	445.50	465.90	485.50	9.20

(Authority: 38 U.S.C. 3015(c), 3015(f), 3015(g); sec. 12009(c), Pub. L. 103-66, 107 Stat. 416)

(2) For veterans pursuing an apprenticeship or other on-job training, the monthly rate of basic educational assistance for training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st 6 months of pursuit of program	\$406.41	\$418.79	\$429.66	\$5.25
2nd 6 months of pursuit of program	279.06	288.41	296.11	3.85
3rd 6 months of pursuit of program	165.51	171.63	176.36	2.45
Remaining pursuit of program	153.61	159.38	164.63	2.45

(Authority: 38 U.S.C. 3015(d), 3015(f), 3015(g); sec. 12009(c), Pub. L. 103-66, 107 Stat. 416)

* * * * *

[FR Doc. 96-8301 Filed 4-4-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 186

[PP 6F3408, 4F4312, 4F4338, 4F4369, FAP 4H5701, 4H5705/R2204; FRL-5351-1]

Pesticide Tolerances for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances and feed additive regulations for residues of the herbicide glyphosate [(N-phosphonomethyl)glycine]. The specific proposals are as follows: establishment of tolerances for alfalfa hay at 200 parts per million (ppm), alfalfa forage at 75 ppm, soybean aspirated grain fractions at 50 ppm; sunflower seed at 0.1 ppm, increased tolerances on the kidney of cattle, goats,

hog, horses, and sheep from 0.5 to 4.0 ppm; an amended tolerance removing the metabolite aminomethylphosphonic acid (AMPA) from the expression and increasing the established tolerance for soybean forage from 15 to 100 ppm; amended tolerances removing the metabolite AMPA from the expressions for the established tolerances soybean, grain at 20 ppm, and soybean, hay at 200 ppm; deletion of the established tolerances for soybean straw at 200 ppm; and an amended feed additive regulation removing the metabolite AMPA from the expression for the established tolerance soybean hulls at 100 ppm. This rule also amends the current tolerance for citrus fruits and the feed additive regulation for citrus pulp, dried by removing the metabolite AMPA from the expressions and increasing the tolerance for citrus fruits from 0.2 to 0.5 ppm and increasing the tolerance for citrus pulp, dried from 1.0 to 1.5 ppm. Monsanto Company requested these tolerances and feed additive regulation in petitions submitted to EPA pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

EFFECTIVE DATES: These regulations become effective April 5, 1996.

ADDRESSES: Written objection and hearing requests, identified by the document control number, [PP 6F3408, 4F4312, 4F4338, 4F4369, FAP 4H5701, 4H5705/R2204], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections 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 request filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), 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. 1132, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. A copy of objections and hearing requests filed with the Hearing