

Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: The "Brownsville Incident" occurred on August 13, 1906, when an estimated 5 to 20 persons shot up the town of Brownsville, Texas. One civilian was killed and one wounded. It was charged that soldiers from the 25th Infantry Regiment, which was stationed adjacent to the town at Fort Brown, were responsible for the shootings, but it proved impossible to establish the guilt of individual soldiers. On November 5, 1906, President Theodore Roosevelt ordered that all 167 enlisted men in the three companies stationed at Fort Brown be dishonorably discharged.

On April 6, 1910, 14 of the 167 soldiers were exonerated by a special Army Tribunal and permitted to reenlist. On September 22, 1972, the Secretary of the Army ordered the discharges of all the dishonorably discharged soldiers changed to honorable.

On December 6, 1973, Congress enacted Public Law 93-177. Section 7 of Public Law 93-177 provided for payment of \$25,000 to surviving veterans who were dishonorably discharged as a result of the "Brownsville Incident" and were not thereafter eligible for reenlistment. It also provided for payment of \$10,000 to the unmarried surviving spouses of such veterans. The law provided that applications for these payments must be filed within 5 years after December 6, 1973.

Section 3.811 of 38 CFR was promulgated in 1974. Since more than 15 years have passed since anyone could file for payments under Public Law 93-177, we are removing 38 CFR 3.811 as obsolete.

Since this rulemaking merely removes an obsolete nonsubstantive provision, the Secretary finds under 5 U.S.C. § 553(b) that prior notice and comment are unnecessary and that there is a basis for dispensing with a 30-day delay of the effective date.

The Secretary hereby certifies that these regulatory amendments would 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. The amendments would not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

There are no applicable Catalog of Federal Domestic Assistance program numbers.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: March 11, 1996.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 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.

§ 3.811 [Removed and reserved]

2. Section 3.811 is removed and reserved.

[FR Doc. 96-6494 Filed 3-19-96; 8:45 am]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AF74

Reservists Education: Commencing Date of Award of Educational Assistance

AGENCIES: Department of Defense, Department of Transportation (Coast Guard) and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Educational Assistance Regulations pertaining to the commencing dates of awards of educational assistance for members of the Selected Reserve. These regulations are changed to provide that all commencing dates for awards or increased awards of educational assistance be on or reasonably close to the date of the first day of class. The intended effect of the amendments is to make uniform the regulations governing the dates of commencement of awards

of educational assistance under the Montgomery GI Bill—Selected Reserve, both for reservists pursuing a college degree and for those enrolled in courses not leading to a college degree.

EFFECTIVE DATE: April 19, 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: In a document published in the Federal Register on May 2, 1995 (60 FR 21486), the Department of Defense, the Department of Transportation (Coast Guard), and the Department of Veterans Affairs (VA) proposed to amend the "Educational Assistance for Members of the Selected Reserve" regulations (38 CFR Part 21, Subpart L). Interested persons were given 62 days to submit comments. No comments were received. Based on the rationale set forth in the proposal and in this document, the Department of Defense, the Department of Transportation, and the Department of Veterans Affairs are adopting the proposal as a final rule with nonsubstantive changes.

The Secretary of Veterans Affairs, the Secretary of Defense, and the Commandant of the Coast Guard have certified 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. The final rule will not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), the amended regulation is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This amended regulation has been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

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 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: November 20, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Deborah R. Lee,

Assistant Secretary of Defense for Reserve Affairs.

Richard M. Larrabee,

Rear Admiral, U.S. Coast Guard, Office of Readiness and Reserve.

For the reasons set out in the preamble, 38 CFR part 21, subpart L is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart L—Educational Assistance for Members of the Selected Reserve

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

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 21.7631, paragraphs (b) and (c) and their authority citations are revised, to read as follows:

§ 21.7631 Commencing dates.

* * * * *

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When a student enrolls in a course offered by independent study, the commencing date of the award or increased award of educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) When a student enrolls in a resident course or subject, the commencing date of the award will be the date of reporting provided that—

(i) The published standards of the school require the student to register before reporting.

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered, and

(iii) The first scheduled class for the course or subject in which the student is enrolled begins during the calendar week when, according to the school's academic calendar, classes are generally scheduled to commence for the term.

(3) When a student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing date of the award or increased award of

educational assistance allowance will be the actual date of the first class scheduled for the particular course or subject.

(4) When a student enrolls in a resident course or subject and neither the provisions of paragraph (b)(2) nor (b)(3) of this section apply to the enrollment, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter, or semester in which the student is enrolled.

(Authority: 10 U.S.C. 16136(b)).

(c) *Certification by educational institution or training establishment—course does not lead to a standard college degree.* (1) When a reservist enrolls in a course which does not lead to a standard college degree and which is offered in residence, the commencing date of the award of educational assistance will be as stated in paragraph (b) of this section.

(2) When a reservist enrolls in a course which is offered by correspondence, the commencing date of the award of educational assistance shall be the later of—

(i) The date the first lesson was sent, or

(ii) The date of affirmance in accordance with 38 U.S.C. 3686.

(3) When a reservist enrolls in a program of apprenticeship or other on-job training, the commencing date of the award of educational assistance shall be the first date of employment in the training position.

(Authority: 10 U.S.C. 16136(b))

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4F4390/R2215; FRL-5354-3]

Pesticide Tolerance for Cadre

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the new herbicide, (AC 263,222) (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid applied as its ammonium salt and its metabolite (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-

hydromethyl-3-pyridinecarboxylic acid both free and conjugated, in or on peanut nut meat at 0.1 ppm. The regulation to establish a maximum permissible level for the residues of the herbicide was requested in petitions submitted by American Cyanamid Company.

EFFECTIVE DATE: This regulation becomes effective March 20, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket number, [PP 4F4390/R2215], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Room M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing request filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20450. In person, bring copy of objections and hearing request to: Room 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. 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 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 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 4F4390/R2215]. 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. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M. St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-6027, e-mail: taylor.robert@epamail.epa.gov.