

Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4578 (63 FR 6193). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget

under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before September 28, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in

response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

**PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS**

1. The authority citation for 21 CFR part 178 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.2010 is amended in the table in paragraph (b) for the entry "calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl)phosphonate]" by adding entry "15" under the heading "Limitations" to read as follows:

**§ 178.2010 Antioxidants and/or stabilizers for polymers.**

\* \* \* \* \*  
(b) \* \* \*

Substances	Limitations
* * *	* * *
Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl)phosphonate] (CAS Reg. No. 65140-91-2).	For use only: * * * 15. At levels not to exceed 0.3 percent by weight of polyethylene phthalate polymers, complying with § 177.1630 of this chapter. Provided, that the finished polymers contact food only under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.
* * *	* * *

Dated: August 17, 1998.

**L. Robert Lake,**

*Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 803 and 804**

[Docket No. 98N-0170]

**Medical Device Reporting: Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** The Food and Drug Administration (FDA) published in the **Federal Register** of May 12, 1998, a proposed rule (63 FR 26129) and a direct final rule (63 FR 26069) to implement amendments to the medical device reporting provisions of the Federal Food, Drug, and Cosmetic Act, as amended by the FDA Modernization Act of 1997 (FDAMA). The comment period closed July 27, 1998. FDA is withdrawing the direct final rule because the agency received significant adverse comment.

**EFFECTIVE DATE:** The direct final rule published at 63 FR 26069, May 12, 1998, is withdrawn on August 27, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Patricia A. Spitzig, Center for Devices and Radiological Health (HFZ-500), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301-594-2812.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, the direct final rule published on May 12, 1998, at 63 FR 26069 is withdrawn.

Dated: August 20, 1998.

**William K. Hubbard,**

*Associate Commissioner for Policy Coordination.*

[FR Doc. 98-22926 Filed 8-26-98; 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-AH88**

**Election of Education Benefits**

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

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) educational assistance and educational benefits regulations relating to certain elections between benefits. VA has provided by regulation that after a veteran seeks to make an election to have service in the Selected Reserve credited toward payment under the Montgomery GI Bill—Selected Reserve (MGIB-SR) program or under the Montgomery GI Bill—Active Duty (MGIB-AD) program, the election will take effect when the individual has negotiated a check issued under the program she or he has elected. In order to adapt the regulations to the new system of electronic transfers, these election provisions are changed to make the election effective either upon negotiation of a check or electronic receipt of education benefits. VA has provided by regulation that an election to receive benefits under Survivors' and Dependents' Educational Assistance (DEA) for a program of education rather than pension, compensation, or Dependency and Indemnity

Compensation (DIC) will take effect when the individual has commenced a program of education and negotiated a check issued under the program she or he has elected. In order to adapt the regulations to the new system of electronic transfers and to ensure that decisions are made with knowledge, these election provisions are changed to require a written election to be submitted and to make the election effective either upon negotiation of a check or electronic receipt of education benefits. Nonsubstantive changes are also made for purposes of clarity and to reflect current statutory codification and authority. This final rule also involves collections of information.

**EFFECTIVE DATE:** September 28, 1998.

**FOR FURTHER INFORMATION CONTACT:**

William G. Susling, Jr., Education Adviser, Education Service (225C), Veterans Benefits Administration, Department of Veterans Affairs, (202) 273-7187.

**SUPPLEMENTARY INFORMATION:** In a document published in the **Federal Register** on November 25, 1997 (62 FR 62736), it was proposed to amend the "SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE UNDER 38 U.S.C. CHAPTER 35" regulations, the "ALL VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM (MONTGOMERY GI BILL—ACTIVE DUTY)" regulations, and the "EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE" regulations as set forth in the SUMMARY portion of this document. These regulations are set forth at 38 CFR Part 21, Subparts C, K, and L.

Interested persons were given 60 days to submit comments. No comments were received. Based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposed rule as a final rule.

The Department of Defense (DOD), the Department of Transportation (Coast Guard), and VA are jointly issuing this final rule insofar as it relates to the MGIB-SR program. This program is funded by DOD and the Coast Guard, and is administered by VA. The remainder of this final rule is issued solely by VA.

**Paperwork Reduction Act of 1995**

Information collection and recordkeeping requirements associated with this final rule concerning § 21.3023 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501-3520) and have been assigned OMB control number 2900-0595. The final rule at

§ 21.3023 requires that an election to receive DEA rather than DIC must be made to VA in writing.

Furthermore, information collection and recordkeeping requirements associated with this final rule concerning §§ 21.7042 and 21.7540 have been approved by OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501-3520) and have been assigned OMB control number 2900-0594. The final rule at §§ 21.7042 and 21.7540 requires that a veteran must choose to apply certain Selected Reserve service either to MGIB-SR or MGIB.

OMB assigns control numbers to collections of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number assigned to each collection of information in this final rule is displayed at the end of each affected section of the regulations.

**Regulatory Flexibility Act**

The signers of this document hereby certify that this final rule does not have 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), the final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance numbers for programs affected by the final rule are 64.117 and 64.124. The final rule also affects the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.

**List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed Forces, Civil rights, Claims, Colleges and universities, Conflicts of interests, Defense Department, Education, Educational institutions, 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, Veterans, Vocational education, Vocational rehabilitation.