

38 U.S.C. 1917"; by removing paragraphs (b) and (c).

§ 8.18 [Amended]

40. Newly redesignated § 8.18 is amended by removing "as set forth in § 8.26(a)".

41. The newly redesignated § 8.19 is revised to read as follows:

§ 8.19 Conversion of a 5-year level premium term policy as provided for under § 1904 of title 38 U.S.C.

National Service Life Insurance on the level premium term plan which is in force may be exchanged for a permanent plan policy upon written application by the insured and the payment of the current monthly premium at the attained age for the plan of insurance selected (except where premium waiver under 38 U.S.C. 1912 is effective). The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective. Conversion to an endowment plan may not be made while the insured is totally disabled. The conversion will be made without medical examination, except when deemed necessary to determine whether an applicant for conversion to an endowment plan is totally disabled, and upon complete surrender of the term insurance while in force by payment or waiver of premium.

(Authority: 38 U.S.C. 1904)

42. The newly redesignated § 8.21 is revised to read as follows:

§ 8.21 Total disability-speech.

The organic loss of speech shall be deemed to be total disability under National Service Life Insurance. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, through the normal organs of speech if such loss is caused by organic changes in such organs. Where such loss exists, the fact that some speech can be produced through the use of an artificial appliance or other organs of the body will be disregarded.

43. The newly redesignated § 8.22 is revised to read as follows:

§ 8.22 Beneficiary and optional settlement changes.

The insured shall have the right at any time, and from time to time, and without the knowledge or consent of the beneficiary to cancel or change a beneficiary and/or optional settlement designation. A change of beneficiary or optional settlement to be effective must be made by notice in writing signed by the insured and forwarded to the Department of Veterans Affairs by the insured or designated agent, and must

contain sufficient information to identify the insured. A beneficiary designation and an optional settlement selection, but not a change of beneficiary, may be made by last will and testament duly probated. Upon receipt by the Department of Veterans Affairs, a valid designation or change of beneficiary or option shall be deemed to be effective as of the date of execution. Any payment made before proper notice of designation or change of beneficiary has been received in the Department of Veterans Affairs shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments.

§ 8.23 [Amended]

44. Newly redesignated § 8.23 is amended by removing "of §§ 3.1(j), 3.204, 3.205 (a) and (b), 3.209, 3.211, and 3.212" and adding, in its place, "found in Part 3".

§ 8.25 [Amended]

45. In newly redesignated § 8.25, paragraph (b) is removed; and paragraph (a) is amended by removing "(a) Except as provided in paragraph (b) of this section where" and adding, in its place, "Where".

§ 8.27 [Amended]

46. Newly redesignated § 8.27 is amended by removing "§ 8.64(b)" and adding, in its place, "§ 8.25".

47. The newly redesignated § 8.29 is revised to read as follows:

§ 8.29 Options.

Insurance will be paid in a lump sum only when selected by the insured during his or her lifetime or by his or her last will and testament.

§ 8.30 [Amended]

48. In newly redesignated § 8.30, in the heading, "and limited convertible 5-year level premium plan" is removed; in paragraph (a), in the first sentence, "except as provided in paragraph (c) of this section," is removed; and "or limited convertible 5-year level premium term plan" is removed; in paragraph (b)(3)(ii), "(§ 8.1)" is removed and "(8.0)" is added in its place; paragraph (c) is removed.

49. Newly redesignated § 8.32 is revised to read as follows:

§ 8.32 Application for reinstatement of total disability income provision.

A total disability income provision which is lapsed may be reinstated if the insured meets the same requirements as those for reinstatement of the policy to which the total disability income provision is attached; except that in no

event shall the requirement of a health statement or other medical evidence be waived in connection with the reinstatement of the total disability income provision.

50. Newly redesignated § 8.33 is revised to read as follows:

§ 8.33 Policy provisions.

Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms and policy plans are subject in all respects to the applicable provisions of title 38 U.S.C., amendments and supplements thereto, and applicable Department of Veterans Affairs regulations promulgated pursuant thereto, all of which together with the insured's application, required evidence of health, including physical examination, if required, and tender of premium shall constitute the contract.

[FR Doc. 96-14365 Filed 6-7-96; 8:45 am]

BILLING CODE 8320-01-P

38 CFR Part 17

RIN 2900-A107

Autopsies

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the autopsies regulations. The regulations in effect prior to the effective date of this document set forth a mechanism for informing the appropriate United States Attorney through a VA Regional Counsel's Office of a death at a VA facility when it is "suspected that the death resulted from crime or the cause of death is unknown." This merely was intended to apply when there was a suspicion that a death resulted from a crime. The words "or the cause of death is unknown" are removed based on the determination that they are not necessary to accomplish the intended purpose and could be misunderstood to mean that the autopsy procedures were intended to apply when there is no suspicion of a crime. This document also changes the term "coroner" to "medical examiner/coroner" to reflect that in the context of the regulations it is appropriate for both names to be used interchangeably.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mary M. Stitak, Staff Assistant to Director, Pathology and Laboratory Medicine Service (111F), Patient Care Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565-7075.

SUPPLEMENTARY INFORMATION: This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary 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 (RFA), 5 U.S.C. 601–602. This final rule would not cause a significant effect on any entities since it does not contain any substantive provisions. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64008, 64009, and 64010.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: May 31, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

§ 17.170 [Amended]

2. In § 17.170, paragraph (c) is amended by removing “or the cause of death is unknown”, and paragraph (d) is amended by removing “coroner” each time it appears and adding, in its place, “medical examiner/coroner”.

[FR Doc. 96–14362 Filed 6–7–96; 8:45 am]

BILLING CODE 8320–01–P

38 CFR Part 21

RIN 2900–AH31

Educational Assistance Programs and Service Members Occupational Conversion and Training Act Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance regulations and the Service Members Occupational Conversion and Training Act (SMOCTA) regulations. It restates statutory provisions of the Veterans' Benefits Improvement Act of 1994 and the National Defense Authorization Act for Fiscal Year 1995. It also makes changes to set forth statutory interpretations of the Department of Veterans Affairs (VA), to reflect current organizational structure within VA, and to provide clarification. These changes affect the Survivors' and Dependents' Educational Assistance program, the Montgomery GI Bill—Active Duty program, the Montgomery GI Bill—Selected Reserve program, the SMOCTA program, and the Post-Vietnam Era Veterans' Educational Assistance program (VEAP).

EFFECTIVE DATE: This final rule is effective June 10, 1996. For more information concerning the application of the provisions of the final rule, see the **SUPPLEMENTARY INFORMATION** section.

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

SUPPLEMENTARY INFORMATION: This document amends regulations in 38 CFR Part 21. It amends educational assistance regulations concerning the Survivors' and Dependents' Educational Assistance program in subpart C and the Montgomery GI Bill—Active Duty program in subpart K. Also, this document makes changes to the administrative provisions in subpart D that affect the Survivors' and Dependents' Educational Assistance program, the Montgomery GI Bill—Active Duty program, the Montgomery GI Bill—Selected Reserve program, and VEAP. Further, this document amends the SMOCTA regulations in subpart F–3.

The Veterans' Benefits Improvement Act of 1994 (Pub. L. 103–446) contains many provisions that affect the Montgomery GI Bill—Active Duty program. These include making vocational flight training permanently available under the Montgomery GI Bill—Active Duty program; permitting

approval of alternative teacher certification programs for training under the Montgomery GI Bill—Active Duty program; eliminating VA's authority to functionally supervise State approving agencies; restricting approved correspondence courses to accredited courses; and permitting approval of programs of education offered by foreign educational institutions when those programs include courses offered away from the institution's main campus. Accordingly, the regulations in subparts D and K are amended to incorporate the statutory changes.

Pursuant to Pub. L. 103–446, the provisions concerning alternative teacher certification do not apply to the Survivors' and Dependents' Educational Assistance program, and regulations in subpart C governing that program are revised to clarify that fact. The provisions of Pub. L. 103–446 also provide that certain recipients of Survivors' and Dependents' Educational Assistance in the Philippines who were being paid at the rate equivalent to 50 cents on the dollar in Philippine pesos will now be paid in U.S. dollars. The regulations in subpart C are amended accordingly. We also made various changes to SMOCTA regulations in subpart F–3 to reflect the statutory changes made by Pub. L. 103–446. In this regard, the SMOCTA regulations are amended by eliminating the prohibition against training programs that lasted more than 18 months, by eliminating provisions that required a two week wait before a veteran could begin a training program, and by adding an aggregate limit of not more than \$10,000 or \$12,000, as applicable, that could be paid to employers when a trainee was in more than one training program.

The National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103–337) contains provisions permitting additional members of the Coast Guard to qualify for the Montgomery GI Bill—Active Duty program. The regulations in subpart K are amended to reflect the statutory change.

VA is prohibited by statute from approving the enrollment of an eligible veteran in a course if 85% or more of the students enrolled in the course are VA-supported. In this regard, vocational flight training is now a permanent part of the Montgomery GI Bill—Active Duty program, the Montgomery GI Bill—Selected Reserve program, and VEAP. The regulations are amended by providing that solo flight training and training in flight simulators are to be included in the calculations for determining whether the 85%–15% requirement has been met in flight courses. This is necessary since in our