

(41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), or 6–96 (62 FR 111), as applicable; and 29 CFR Part 1911.

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2. A note is added after paragraph (o) of § 1910.1052 to read as follows:

§ 1910.1052 Methylene Chloride.

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[**Note to paragraph (o):** The requirement of 29 CFR 1910.1052(g)(1) to use respiratory protection whenever an employee's exposure to methylene chloride exceeds or can reasonably be expected to exceed the 8-hour TWA PEL is hereby stayed until August 31, 1998 for employers engaged in polyurethane foam manufacturing; foam fabrication; furniture refinishing; general aviation aircraft stripping; formulation of products containing methylene chloride; boat building and repair; recreational vehicle manufacture; van conversion; upholstery; and use of methylene chloride in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making and/or floor refinishing and resurfacing.

The requirement of 29 CFR 1910.1052(f)(1) to implement engineering controls to achieve the 8-hour TWA PEL and STEL is hereby stayed until December 10, 1998 for employers with more than 100 employees engaged in polyurethane foam manufacturing and for employers with more than 20 employees engaged in foam fabrication; furniture refinishing; general aviation aircraft stripping; formulation of products containing methylene chloride; boat building and repair; recreational vehicle manufacture; van conversion; upholstery; and use of methylene chloride in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making and/or floor refinishing and resurfacing.]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI89

Reservists' Education: Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve

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

ACTION: Final rule.

SUMMARY: By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI

Bill—Selected Reserve 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—Selected Reserve for fiscal year 1998 (October 1, 1997, through September 30, 1998) are changed to show a 2.8% increase in these rates.

DATES: This final rule is effective December 18, 1997. However, the changes in rates are applied retroactively to conform to statutory requirements. For more information concerning the dates of application, see the **SUPPLEMENTARY INFORMATION** section.

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

SUPPLEMENTARY INFORMATION: Under the formula mandated by 10 U.S.C. 16131(b) for fiscal year 1998, the rates of basic educational assistance under the Montgomery GI Bill—Selected Reserve payable to students pursuing a program of education full time, three-quarter time, and half time must be increased by 2.8%, which is the percentage by which the total of the monthly Consumer Price Index-W for July 1, 1996, through June 30, 1997, exceeds the total of the monthly Consumer Price Index-W for July 1, 1995, through June 30, 1996.

10 U.S.C. 16131(b) requires that full-time, three-quarter time, and half-time rates be increased as noted above. In addition, 10 U.S.C. 16131(d) requires that monthly rates payable to reservists in apprenticeship or other on-the-job training must be set at a given percentage of the full-time rate. Hence, there is a 2.8% raise for such training as well.

10 U.S.C. 16131(b) also requires that the Department of Veterans Affairs (VA) pay reservists training less than half time at an appropriately reduced rate. Since payment for less than half-time training became available under the Montgomery GI Bill—Selected Reserve in fiscal year 1990, VA has paid less than half-time students at 25% 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 effective from the date of publication, but the changes in rates are applied retroactively from October 1, 1997 in accordance with the applicable statutory provisions discussed above.

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 Defense, the Commandant of the Coast Guard, and the Acting Secretary of Veterans Affairs hereby certify 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 sections 603 and 604.

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 programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: October 17, 1997.

Hershel W. Gober,
Acting Secretary of Veterans Affairs.

Approved: November 7, 1997.

Al H. Bemis,
Deputy Assistant Secretary for Defense for Reserve Affairs (Manpower and Personnel).

Approved: November 25, 1997.

G.F. Woolever,
Rear Admiral, U.S. Coast Guard, Assistant Commandant for Human Resources.

For the reasons set out above, 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, continues to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), ch. 36, unless otherwise noted.

2. In 21.7636, paragraphs (a)(1), (a)(2)(i), and (a)(3) are revised to read as follows:

§ 21.7636 Rates of payment.
(a) *Monthly rate of educational assistance.* (1) Except as otherwise provided in this section or in § 21.7639,

the monthly rate of educational assistance payable to a reservist is the amount stated in this table:

Period of pursuit of training	Training time			
	Full-time	¾ time	½ time	¼ time
Oct. 1, 1996-Sept. 30, 1997	\$203.24	\$152.43	\$101.62	\$50.81
On or after Oct. 1, 1997	208.93	156.70	104.47	52.23

(2) * * *

(i)

Training period	Monthly rate	
	Oct. 1, 1996—Sept. 30, 1997	On or after Oct. 1, 1997
First six months of pursuit of training	\$152.43	\$156.70
Second six months of pursuit of training	111.78	114.91
Remaining pursuit of training	71.13	73.13

* * * * *

(3) The monthly rate of educational assistance payable to a reservist for pursuit of a cooperative course during the period beginning on October 9, 1996, and ending on September 30, 1997, is \$203.24. The monthly rate of educational assistance payable to a reservist for pursuit of a cooperative course on or after October 1, 1997, will be the rate stated in paragraph (a)(1) of this section.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 72, 73, 74, 75, 77, and 78

[FRL-5936-3]

RIN 2060-AF43

Acid Rain Program: Revisions to Permits, Allowance System, Sulfur Dioxide Opt-Ins, Continuous Emission Monitoring, Excess Emissions, and Appeal Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: Title IV of the Clean Air Act authorizes the Environmental Protection Agency (EPA or the Agency) to establish the Acid Rain Program. The purposes of the Acid Rain Program is to significantly reduce emissions of sulfur dioxides and nitrogen oxides from utility electric generating plants in order to reduce the

adverse health and ecological impacts of acidic deposition (or acid rain) resulting from such emissions. On January 11 and March 23, 1993, the Agency promulgated final rules governing permitting, the allowance system, continuous emissions monitoring, excess emissions, and appeal procedures. On October 24, 1997, EPA published final revisions to those rules. This action corrects certain inadvertent, drafting errors in the October 24, 1997 document.

EFFECTIVE DATE: December 18, 1997.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, attorney-advisor, at (202) 564-9151 (U.S. Environmental Protection Agency, 401 M Street, SW, Acid Rain Division (6204J), Washington DC 20460); or the Acid Rain Hotline at (202) 564-9620.

SUPPLEMENTARY INFORMATION: On October 24, 1997 (62 FR 55460 (1997)), EPA promulgated final revisions to the permits, allowance system, sulfur dioxide opt-ins, continuous emission monitoring, excess emissions, and appeal procedures rules. Subsequently, EPA identified certain inadvertent, drafting errors in the October 24, 1997 document. While the errors may cause some confusion, they do not alter the substance of the rule revisions. Today's action corrects those errors.

The October 24, 1997 final rule, EPA revised the procedures for fast-track modifications of Acid Rain permits. In particular, § 72.82(d) was revised to provide State permitting authorities 90 days after the close of the 30-day comment period (or a total of 120 days) for acting on a requested fast-track modification. 62 FR 55485; *see also* 61

FR 68340, 68377 (1996) (proposed rule revisions). The October 24, 1997 preamble erroneously stated that proposed rule revisions (promulgated on December 27, 1996) and the final rule revisions gave State permitting authorities only 60 days after the comment period (or a total of 90 days). Today's action corrects the preamble language to make it consistent with the rule language.

The other corrections made by today's action involve minor corrections to ensure that revised language for certain rule provisions is correctly incorporated into those provisions. For example, the October 24, 1997 document removed certain words in § 78.4(c)(1) and replaced them with new language. In so doing, the October 24, 1997 document failed to state all of the words that are to be removed. This is corrected by today's action.

For the reasons discussed above, this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735 (1993)). For the same reasons, this action does not impose annual costs of \$100 million or more, will not significantly or uniquely affect small governments, and is not a significant federal intergovernmental mandate. With regard to this action, the Agency thus has no obligations under sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). Moreover, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, the action is not subject to