

radius of the fireworks barge in approximate position 40°41'16.5"N 074°02'23"W (NAD 1983), about 360 yards east of Liberty Island, New York.

(b) *Effective period.* This section is effective from 9:30 p.m. until 11 p.m. on Saturday, May 15, 1999. There is no rain date for this event.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

**R.E. Bennis,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

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BILLING CODE 4910-15-M

## DEPARTMENT OF DEFENSE

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 21

RIN 2900-AJ38

### Reservists' Education: Increase in Educational Assistance Rates

**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 a statutory formula. The Veterans Benefits Act of 1998 provides a rate increase of approximately 20% that supersedes the otherwise applicable statutory annual adjustment for Fiscal Year 1999 (October 1, 1998, through September 30, 1999). The regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Selected Reserve are changed to show the rates indicated in the Act for Fiscal Year 1999. By statute, regular annual adjustments to these rates will resume commencing with Fiscal Year 2000.

**DATES:** Effective Date: This final rule is effective May 14, 1999.

*Applicability Date:* The changes in rates are applicable October 1, 1998, to conform with statutory requirements. For more information concerning the dates of application, see the

#### SUPPLEMENTARY INFORMATION SECTION.

#### FOR FURTHER INFORMATION CONTACT:

William G. Susling, Jr., Education Adviser, Education Service, Veterans Benefits Administration, (202) 273-7187.

**SUPPLEMENTARY INFORMATION:** As provided by the Veterans Benefits Act of 1998 (Pub. L. 105-178, Title VIII, Subtitle B), the rates of basic educational assistance under the Montgomery GI Bill—Selected Reserve payable to students pursuing a program of education full time must be increased by approximately 20% effective October 1, 1998. This final rule changes the regulations to reflect the statutory changes made by section 8203(b) of Pub. L. 105-178.

10 U.S.C. 16131(b) requires that the full-time, three-quarter-time, and half-time rates for institutional training be increased as noted above. These increased rates result in proportionate increases in the benefits payable for other types of training whose rates are based on the institutional training rates. For example, monthly rates payable to reservists in apprenticeship or other on-job training are set by statute at a given percentage of the full-time institutional rate.

10 U.S.C. 16131(b) requires that the Department of Veterans Affairs (VA) pay less-than-half-time students at appropriately reduced rates. 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 institutional rate for pursuit of a program of education. This final rule sets forth changes in rates 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, 1998, as set out in the regulations, 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 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: March 4, 1999.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

Approved: March 26, 1999.

**Charles L. Cragin,**

*Acting Assistant Secretary of Defense for Reserve Affairs.*

Approved: April 6, 1999.

**F.L. Ames,**

*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 is revised to read as follows:

**Authority:** 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, 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 for training that occurs after September 30, 1998, and before October 1, 1999, to a reservist pursuing a program of education is the amount stated in this table:

Training	Monthly rate
Full time .....	\$251.00
¾ time .....	188.00
½ time .....	125.00
¼ time .....	62.75

(2) The monthly rate of basic educational assistance payable to a reservist for apprenticeship or other on-the-job training full time that occurs after September 30, 1998, and before October 1, 1999, is the rate stated in this table:

(i)

Training period	Monthly rate
First six months of pursuit of training .....	\$188.25
Second six months of pursuit of training .....	136.05
Remaining pursuit of training .....	87.85

\* \* \* \* \*

(3) The monthly rate of educational assistance payable to a reservist for pursuit of a cooperative course after September 30, 1998, and before October 1, 1999, is the rate stated in paragraph (a)(1) of this section for full-time training during that period of time.

(Authority: 10 U.S.C. 16131(b), (c); sec. 8203(b), Pub. L. 105-178, 112 Stat. 493-494)

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 51

[FRL-6338-6]

RIN 2060-AH10

### Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The EPA is revising the oxides of nitrogen (NO<sub>x</sub>) statewide emissions budgets for the 22 States and the District of Columbia that are required to submit State implementation plan (SIP) revisions to address the regional transport of ozone (also referred to as the NO<sub>x</sub> SIP call). These revisions are based on the comments received during the comment period for emissions inventory revisions to 2007 baseline sub-inventory information used to establish each State's budget in the NO<sub>x</sub> SIP call.

**DATES:** This rule is effective June 14, 1999.

**ADDRESSES:** Dockets containing information relating to this rulemaking (Docket Nos. A-96-56, A-97-43, and A-98-12) are available for public inspection at the Office of Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M St., SW, Room M-1500, Washington, DC 20460, telephone (202) 260-7548, between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Docket materials may be sent by electronic mail to A-and-R-Docket@epa.gov. Documents related to this notice are available on EPA's website at <http://epa.gov/ttn/oarpg/otagsip.html>.

**FOR FURTHER INFORMATION CONTACT:** General questions concerning today's technical amendment should be addressed to Kimber S. Scavo, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC 27711, telephone (919) 541-3354; e-mail: [scavo.kimber@epa.gov](mailto:scavo.kimber@epa.gov). Specific questions on the revised NO<sub>x</sub> emissions budgets should be directed to Greg Stella, Office of Air Quality Planning and Standards, Emissions Monitoring and Analysis Division, MD-14, Research Triangle Park, NC 27711, telephone (919) 541-3649; e-mail: [stella.greg@epa.gov](mailto:stella.greg@epa.gov). Specific questions on the electric generating unit (EGU) sector should be directed to Kevin Culligan, Office of Atmospheric Programs, Acid Rain Division, 401 M Street SW, 6204J, Washington, D.C., 20460, telephone (202) 564-9172; e-mail: [culligan.kevin@epa.gov](mailto:culligan.kevin@epa.gov).

**SUPPLEMENTARY INFORMATION:** By notice dated October 27, 1998, EPA published, "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (63 FR 57356), which may be referred to as the NO<sub>x</sub> SIP call. The final NO<sub>x</sub> SIP call

provided that the opportunity for comments on 2007 baseline sub-inventory revisions would be available for 60 days after signature of the NO<sub>x</sub> SIP call.

The EPA received numerous requests to allow more time to accept revisions to source-specific inventory data used to establish each State's emissions baseline and budget in the NO<sub>x</sub> SIP call and to also allow revisions to vehicle miles traveled (VMT) projections. Therefore, by notice dated December 24, 1998, EPA published, "Correction and Clarification to the Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone" (63 FR 71220), which may be referred to as the correction notice.

In these notices, EPA reopened and extended the comment period on emissions inventory revisions to 2007 baseline sub-inventory information used to establish each State's budget in the NO<sub>x</sub> SIP call. This included source-specific emission inventory data, data on VMT and nonroad mobile growth rates, VMT distribution by vehicle class, average speed by roadway type, inspection and maintenance program parameters, and other input parameters used in the calculation of highway vehicle emissions. The EPA extended this time period for additional comment to February 22, 1999 in the correction notice.

The EPA is proceeding to final action now based on the comments received from the public in response to this extended comment period. To the extent the Administrative Procedure Act might require publication of a notice of proposed rulemaking for this action, EPA finds good cause to dispense with such proposal, because EPA has already provided an opportunity for public comment (5 U.S.C. 553(b)(B)).

### I. Public Comments

The EPA stated in "Correction and Clarification to the Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone" that the Agency would evaluate the data submitted by commenters and, if it was determined to be technically justified, revise the State baseline inventory and budgets for the NO<sub>x</sub> SIP call to reflect the new data by April 23, 1999. The Agency received approximately 300 comments. The Response to Comment Document (RTC) entitled "Responses to the 2007 Baseline Sub-inventory Information and Significant Comments for the Final NO<sub>x</sub> SIP Call," addresses EPA's response to the submitted comments in detail. The EPA also