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Dated: May 7, 1997.

**G.F. Woolever,**

*Rear Admiral, U.S. Coast Guard Commander,  
Ninth Coast Guard District.*

[FR Doc. 97-13509 Filed 5-21-97; 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-A154

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

**AGENCIES:** Department of Defense; Coast Guard, DOT; 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 1997 (October 1, 1996, through September 30, 1997) are changed to show a 2.7% increase in these rates. Furthermore, the Veterans' Benefits Improvements Act of 1996 provides that the lower rate of educational assistance payable to reservists pursuing cooperative training was abolished effective October 9, 1996. They will be paid at the same rate as those reservists pursuing residence training. The regulations are changed to conform to statutory requirements.

**DATES:** This final rule is effective May 22, 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 1997, 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 2.7%, which is the percentage by which the total of the monthly Consumer Price Index-W for July 1, 1995, through June 30, 1996, exceeds the total of the monthly Consumer Price Index-W for July 1, 1994, through June 30, 1995.

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-job training must be set at a given percentage of the full-time rate. Hence, there is a 2.7% 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.

Before the enactment on October 9, 1996, of the Veterans' Benefits Improvements Act of 1996 (Public Law 104-275), the rate of educational assistance payable to a reservist pursuing a cooperative course was set by statute at 80% of the rate payable to a reservist in residence training. This statutory provision was reflected in the regulations. The Veterans' Benefits Improvements Act of 1996 eliminated this different rate of payment so that reservists in cooperative training receive the same monthly rate as reservists in residence training. 38 CFR 21.7636 is changed accordingly.

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, 1996, or October 9, 1996, as respectively 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: January 24, 1997.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

Approved: February 24, 1997.

**Al H. Bemis,**

*Deputy Assistant Secretary for Defense for Reserve Affairs (M&P).*

Approved: April 24, 1997.

**W.C. Donnell, RADM, USCG,**

*Assistant Commandant for Human Resources, U.S. Coast Guard.*

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), ch. 36, unless otherwise noted.

2. In 21.7636, paragraphs (a)(1), (a)(2) introductory text, (a)(2)(i), and (a)(3) are revised and the authority citation for paragraph (a) is republished 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			
	Fulltime	¾ time	½ time	¼ time
Oct. 1, 1995–Sept. 30, 1996 .....	\$197.90	\$148.42	\$98.95	\$49.47
On or after Oct. 1, 1996 .....	203.24	152.43	101.62	50.81

(2) The monthly rate of basic educational assistance payable to a reservist for pursuit of apprenticeship or other on-job training full time is the rate stated in this table:

(i)

Training period	Monthly rate	
	Oct. 1, 1995–Sept. 30, 1996	On or after Oct. 1, 1996
First six months of pursuit of training .....	\$148.42	\$152.43
Second six months of pursuit of training .....	108.94	111.78
Remaining pursuit of training .....	69.26	71.13

\* \* \* \* \*

(3) The monthly rate of educational assistance payable to a reservist for pursuit of a cooperative course is the rate stated in this table:

Period of pursuit of training	Monthly rate
Oct. 1, 1995–Sept. 30, 1996 ..	\$158.32
Oct. 1, 1996–Oct. 8, 1996 .....	162.59
On or after Oct. 9, 1996 .....	203.24

**Authority:** 10 U.S.C. 16131(b), (c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

\* \* \* \* \*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TX43–1–7333; FRL–5824–6]

### Clean Air Act Limited Approval of Volatile Organic Compound (VOC) Control Measures for Texas

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is giving limited approval to certain control measures

adopted by the State of Texas in its 15 Percent Rate of Progress Plan. The effect of this action is to finalize the proposed limited approval of these measures published on January 29, 1996, in the **Federal Register** (FR) because they strengthen the State Implementation Plan (SIP) by reducing VOC emissions in the four nonattainment areas in Texas. Also, the EPA is finalizing the limited approval of the measures in the contingency plans because these measures, if implemented, will strengthen the SIP.

**EFFECTIVE DATE:** This final rule is effective on June 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Guy Donaldson at (214) 665–7242.

#### SUPPLEMENTARY INFORMATION:

#### Background

Section 182(b)(1) of the Clean Air Act (the ACT), as amended in 1990, requires ozone nonattainment areas with classifications of moderate and above to develop plans to reduce area-wide VOC emissions by 15 percent from a 1990 baseline. These plans also had to include contingency measures in the amount of 3 percent to be implemented if the plans failed to achieve the required reductions. In Texas, 15 Percent Rate of Progress Plans were required for the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso and Houston/Galveston areas. Texas made submittals on November 13, 1993; May 9, 1994, August 3, 1994, and November 14, 1994, to meet the Act's requirement.

In these proposed SIP revisions, Texas included changes to 30 Texas Administrative Code, Chapter 115, concerning the control of VOCs. These revisions included controls on several stationary sources and also limits on gasoline volatility in the El Paso area. On January 29, 1996, the EPA published a proposed limited approval of these control measures. These measures result in a strengthening of the SIP because they will result in reductions in air pollution. The EPA is not taking any action on whether the control measures included in these plans comply with the RACT requirements of the Act, section 182(b)(2), or any other underlying Act

requirement. In addition, the EPA is giving limited approval of only the Alternate Means of Control (AMOC) portion of the November 9, 1994, submittal as a strengthening of the SIP. The EPA is taking no action on any other portion of the November 9, 1994, submittal. In this action, the EPA is only finalizing the proposed limited approval of the control measures. The EPA is taking no action with regard to the limited approval and limited disapproval of the 15 Percent Plans themselves. Texas submitted revised 15 Percent Plans for the four areas in a letter dated August 9, 1996. The EPA will evaluate these revised plans and take action in a separate **Federal Register** document on the resubmitted 15 Percent Rate of Progress Plans and Contingency Plans.

This final rule addresses the comments received during the public comment period and announces EPA's final action regarding limited approval of the control measures.

#### Response to Public Comments

In the January 10, 1996, **Federal Register**, the EPA requested public comments on the proposed rules (61 FR 2751–2760). The EPA received five letters commenting on the January 29, 1996, proposal. They can be placed in the following categories: comments on the amount of emission reduction being approved or disapproved in the proposal, comments regarding the timing of the final action, comments on the action on the AMOC and comments on the concept of a limited approval/limited disapproval, comments on the legality of submitting the Texas plan in phases, and comments on whether the proposed bakery rules are Reasonably Available Control Technology.

#### Comments on the Amount of Emission Reductions

Two commentators believed the EPA was proposing approval of the incorrect amount of emission reductions. One commentator believed that not enough emission reductions were being credited to the industrial wastewater rules. Another commentator believed that too much credit was being allowed for