

Division, New Orleans, LA or by telephone at (504) 589-4686 for assistance.

Collection of Information

This interim rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this interim rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism

Environment

The Coast Guard considered the environmental impact of this interim rule and concluded that under paragraph 2.B.2(e)(34)(g) of Commandant Instruction M16475.1B (as revised by 61 FR 13563; March 27, 1996), this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations to read as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 46 CFR 1.46.

2. In section 165.810, paragraph (a) and (b) introductory text are revised, and new paragraphs (e) and (f) are added to read as follows:

§ 165.810 Mississippi River, LA-regulated navigation area.

(a) *Purpose and applicability.* This section prescribes rules for all vessels operating in the Lower Mississippi River below mile 233.9 above Head of Passes including South Pass and Southwest Pass, to assist in the prevention of allisions; collisions and groundings so as to ensure port safety and protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents,

and to enhance the safety of passenger vessels moored or anchored in the Mississippi River.

(b) Lower Mississippi River below mile 233.9 above Head of Passes including South and Southwest Passes:
* * * * *

(e) Watch requirements for anchored and moored passenger vessels.

(1) Passenger Vessels. Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, shall:

(i) Keep a continuously manned pilothouse and;

(ii) Monitor river activities and marine VHF emergency and working frequencies of the port so as to be immediately available to take necessary action to protect the vessel, crew and passengers in the event that an emergency radio broadcast, danger signal or visual indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel that operates with 49 or less passengers, may monitor river activities using a portable radio from a vantage point other than the pilothouse.

(f) All self-propelled vessels of 1,600 or more gross tons subject to the regulations at 33 CFR Part 164 shall also comply with the following:

(1) The engine room shall be manned at all times while underway in the RNA.

(2) Prior to embarking a pilot when entering or getting underway in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR Part 164.

(3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

(i) The main propulsion plant is in all respects ready for operations including the main propulsion air start systems, fuel systems, lubricating systems, cooling systems and automation systems;

(ii) Cooling, lubricating and fuel oil systems are at proper operating temperatures;

(iii) Automatic or load limiting main propulsion plant throttle systems are operating in manual mode with engines available to immediately answer maneuvering commands; and

(iv) Main propulsion standby systems are ready to be immediately placed in service.

Dated: October 24, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 212

Administration of the Forest Development Transportation System

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment streamlines Forest Service rules for administration of the forest transportation system. This amendment was initiated by agency review under the President's Regulatory Reinvention Initiative and is intended to provide clearer, more precise direction for the administration of the forest development transportation system.

DATES: This rule is effective October 30, 1997.

FOR FURTHER INFORMATION CONTACT: Richard W. Sowa, Engineering Staff, Forest Service, USDA, P.O. 96090, Washington, D.C. 20090-6090, (202) 205-1437.

SUPPLEMENTARY INFORMATION: The purpose of this technical amendment is to consolidate direction for the administration of the forest development transportation system. The rules formerly under the separate sections, headed "Allocation, Forest development transportation plan, and Program of work" are now consolidated under one section, "Forest development transportation program."

Following a review of Forest Service regulations under the President's Regulatory Reinvention Initiative, the agency concluded that these sections were so closely related that they should be combined into one streamlined regulation. Also in keeping with National Performance Review objectives of using "plain English" in regulations, the text of sections 212.3 and 212.4 (now section 212.1 (b) and (c) has been edited to remove extraneous words. However, no substantive changes have been made to the rule. Accordingly, by this amendment, the agency is setting out the revised rule in the Code of Federal Regulations. Because of the narrow scope and limited effect of this action, the agency has determined that this amendment is a technical amendment for which notice and comment pursuant to the Administrative Procedures Act (5 U.S.C. 553) is not necessary.

Regulatory Impact

This rule is a technical amendment to consolidate three small sections of an

existing rule. As such, it has no substantive effect nor is it subject to review under USDA procedures or Executive Order 12866 on Regulatory Planning and Review. This rule also does not meet the definition of a rule subject to Congressional notice and review pursuant to 5 U.S.C. 801–804.

Moreover, because good cause exists to exempt this rule from notice and comment pursuant to 5 U.S.C. 553, this rule is exempt from further analysis under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538); Executive Order 12778, Civil Justice Reform; Executive Order 12630, Takings Implications; and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 36 CFR Part 212

Highways and roads, National forests, Rights-of-way, and Transportation.

Therefore, for the reasons set forth in the preamble, Part 212 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 212—[AMENDED]

1. Revise the authority citation for Part 212 to read as follows:

Authority: 16 U.S.C. 551, 23 U.S.C. 205.

2. Revise § 212.2 to read as follows:

§ 212.2 Forest development transportation program.

(a) A forest development transportation plan must be prepared for each National Forest and experimental forest and other areas under Forest Service administration. The plan must be prepared, maintained, revised, and reported on in accordance with procedures prescribed by the Chief.

(b) A program of work for the forest development transportation system shall be developed each fiscal year in accordance with procedures prescribed by the Chief.

(c) Forest development transportation system funds shall be allocated based on consideration of relative needs of the various National Forests and other lands administered by the Forest Service, the existing transportation facilities, the value of timber or other resources served, relative fire danger, and comparative difficulties of construction.

§§ 212.7 and 212.9 [Amended]

3. In §§ 212.7(c) and 212.9(d), remove the reference to “§ 212.11” and, in its place, add a reference to “§ 212.9”.

§ 212.10 [Amended]

4. In § 212.10(a)(2), make the following changes:

a. Remove the reference to “§ 212.9 (b) and (c)” and, in its place, add a reference to “§ 212.7 (b) and (c)”.

b. Remove the reference to “§ 212.7(c)” and, in its place, add the reference to “§ 212.5(c)”.

c. Remove the reference to “§ 212.11” and, in its place, add a reference to “§ 212.9”.

§ 212.11 [Amended]

5. In section 212.11(f), remove the reference to “§ 212.7(d)” and, in its place, add the reference to “§ 212.5(d)”.

§§ 212.3 and 212.4 [Removed]

§§ 212.5 through 212.12 [Redesignated]

6. Remove §§ 212.3 and 212.4 and redesignate §§ 212.5 through 212.12 as §§ 212.3 through 212.10 respectively.

§§ 212.11 and 212.12 [Reserved]

7. Reserve §§ 212.11 and 212.12.

Dated: October 21, 1997.

Ronald E. Stewart,

Acting Associate Chief.

[FR Doc. 97–28812 Filed 10–29–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI90

Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: By statute, the monthly rates of basic educational assistance payable to veterans and servicemembers under the Montgomery GI Bill—Active Duty 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—Active Duty 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 October 30, 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 (202) 273–7187.

SUPPLEMENTARY INFORMATION: Under the formula mandated by 38 U.S.C. 3015(g) for fiscal year 1998, the rates of basic educational assistance under the Montgomery GI Bill—Active Duty payable to students pursuing a program of education full time must be increased by the percentage that 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. This is 2.8%.

It should be noted that some veterans will receive an increase in monthly payments that will be less than 2.8%. The increase does not apply to additional amounts payable by the Secretary of Defense to individuals with skills or a specialty in which there is a critical shortage of personnel (so-called “kickers”). It does not apply to amounts payable for dependents. Veterans who previously had eligibility under the Vietnam Era GI Bill receive monthly payments that are in part based upon basic educational assistance and in part based upon the rates payable under the Vietnam Era GI Bill. Only that portion attributable to basic educational assistance is increased by 2.8%.

Although 38 U.S.C. 3015(g) requires only that the full-time rates be increased, these revisions include increases for other training also. Monthly rates payable to veterans in apprenticeship or other on-job training are set by statute at a given percentage of the full-time rate. Hence, any rise in the full-time rate automatically requires an increase in the rates for such training.

38 U.S.C. 3015 (a) and (b) require that the Department of Veterans Affairs (VA) pay part-time students at appropriately reduced rates. Since the first student became eligible for assistance under the Montgomery GI Bill—Active Duty in 1985, VA has paid three-quarter-time students and one-half-time students at 75% and 50% of the full-time rate, respectively. Students pursuing a program of education at less than one-half but more than one-quarter-time have had their payments limited to 50% or less of the full-time rate. Similarly, students pursuing a program of education at one-quarter-time or less have had their payments limited to 25% or less 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,