

(b) If the locking mechanism does not seat properly, replace the buckle with an airworthy buckle.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Airplane Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Airplane Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Airplane Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(e) This amendment becomes effective on December 24, 1998.

Issued in Fort Worth, Texas, on December 3, 1998.

Mark R. Schilling,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 98-32619 Filed 12-8-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AJ42

Dependents Education: Increase in Educational Assistance Rates

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: A provision of the Internal Revenue Service Restructuring and Reform Act of 1998 provides for an increase of approximately 20% in educational assistance rates payable under Survivors' and Dependents' Educational Assistance (DEA) effective October 1, 1998. The regulations

governing those rates are changed to show the rates indicated in the Act.

DATES: Effective Dates: This final rule is effective October 1, 1998.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Adviser, Education Service, Veterans Benefits Administration (202) 273-7187.

SUPPLEMENTARY INFORMATION: The Internal Revenue Service Restructuring and Reform Act of 1998 (Pub. L. 105-206) amended sections 3532, 3534, and 3542 of title 38, U.S. Code to provide an increase of approximately 20% in educational assistance rates payable under DEA effective October 1, 1998. Changes are made to the regulations governing rates payable under DEA to reflect the statutory changes.

Nonsubstantive changes also are made for the purpose of clarity.

Substantive changes made by this final rule merely reflect statutory requirements. 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 Veterans Affairs 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, 5 U.S.C. 601-612 and does not directly affect small entities. This final rule directly affects only individuals. 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.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.117.

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: December 2, 1998.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 21, subparts C is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for part 21, subpart C, continues to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500-3566, unless otherwise noted.

2. In § 21.3045, paragraph (h) is revised to read as follows:

§ 21.3045 Entitlement charges.

* * * * *

(h) *Entitlement charge for correspondence courses.* The charge against entitlement for pursuit of a course exclusively by correspondence will be 1 month for each:

(1) \$404 paid after December 31, 1989, and before October 1, 1998, to a spouse or surviving spouse as an educational assistance allowance;

(2) \$485 paid after September 30, 1998.

(Authority: 38 U.S.C. 3686(a))

* * * * *

3. In § 21.3131, paragraph (a) is revised to read as follows:

§ 21.3131 Rates—educational assistance allowance—38 U.S.C. chapter 35.

(a) *Rates.* Except as provided in § 21.3132, educational assistance allowance is payable at the following rates effective October 1, 1998:

Type of course	Monthly rate
Institutional:	
Full-time	\$485.
¾ time	\$365.
½ time	\$242.
Less than ½ but more than ¼ time ¹	\$242.
¼ time or less ¹	\$121.
Cooperative training (other than farm cooperative) (Full time only)	\$485
Apprentice or on-job (full time only) ² :	
First six months	\$353.
Second six months	\$264.
Third six months	\$175.
Fourth six months and thereafter	\$88.
Farm cooperative:	
Full time	\$392.

Type of course	Monthly rate
¾ time	\$294.
½ time	\$196.
Correspondence	55 percent of the established charge for the number of lessons completed by the eligible spouse or surviving spouse and serviced by the school—Allowance paid quarterly. ³

¹ If an eligible person under 38 U.S.C. chapter 35 pursuing independent study on a less than one-half-time basis completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$242 or \$121, as appropriate, per month, if the maximum allowance is not initially authorized.

² See footnote 5 of § 21.4270(c) for measurement of full time and § 21.3132(c) for proportionate reduction in award for completion of less than 120 hours per month.

³ Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State Approving agency or the actual cost to the eligible spouse or surviving spouse, whichever is less. VA considers the continuity of an enrollment broken when there are more than 6 months between the servicing of the lessons.

(Authority: 38 U.S.C. 3532(a), 3542(a), 3687(b)(2))

* * * * *

§ 21.3300 [Amended]

4. In § 21.3300, paragraph (c) is amended by removing “\$119” and adding, in its place, “\$152”.

§ 21.3333 [Amended]

5. In § 21.3333, paragraph (a) is amended by removing “\$404” and adding, in its place, “\$485”, and by removing “\$127” both places it appears and adding, in its place, “\$152”; and paragraph (b)(1) is amended by removing “\$13.46” and adding, in its place, “\$16.16”, and by removing “\$404” and adding, in its place, “\$485”.

[FR Doc. 98-32646 Filed 12-8-98; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1

[FRL-6200-1]

Changes to Regulations Concerning Membership of EPA's Environmental Appeals Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA amends its regulations establishing the Environmental Appeals Board by increasing the limit on the number of Board members from three to four. The workload of the Environmental Appeals Board has increased since it was established. This action ensures that the Board can respond effectively to the growing workload.

EFFECTIVE DATE: These regulations are effective on December 9, 1998.

FOR FURTHER INFORMATION CONTACT: Ronald L. McCallum, Esq., Environmental Appeals Board, 401 M

Street, SW., Washington, DC 20460, (202) 501-7060.

SUPPLEMENTARY INFORMATION: On February 13, 1992, EPA promulgated regulations establishing the Agency's Environmental Appeals Board. The regulations contemplated a three-member Board. In recognition of the Board's increasing workload, the Agency is through this rule increasing the limit on the number of Board members from three to four.

Reasons for Change

The past several years have seen a significant increase in the Environmental Appeals Board's workload. The cause of the workload increase has been two-fold. First, there has been an increase in the number of appeals to the Board pursuant to the authorities which were part of the original delegation to the Board in the 1992 regulations. For example, the number of appeals of Prevention of Significant Deterioration (PSD) permits issued under the Clean Air Act has increased dramatically. During FY 1995, only two PSD appeals were received by the Board. In sharp contrast, twenty-four PSD appeals were received during FY 1997, and twenty-nine such appeals were received during FY 1998. Second, the Board's jurisdiction has expanded over the past several years to encompass such matters as petitions for reimbursement filed under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), further increasing the Board's workload. Other areas in which the Board's jurisdiction has expanded include, for example, acid rain appeals under 40 CFR Part 78, Title V federal permit appeals under 40 CFR Part 71, and certain Safe Drinking Water Act penalty appeals. Notably, the Agency currently has underway a number of rulemakings which can be expected to further tax the Board as currently constituted.

Through this rule, the Agency is responding to this increasing workload

by raising the limit on the number of Board members from three to four. The current regulations envision the Board sitting as a panel on cases pending before it. They provide that, while ordinarily all three members will sit as a panel, the Board can proceed with two members if all three are not available because of recusal or absence. In the event that a two-member panel results in a tie, the matter is referred to the Administrator to break the tie.

The changes made today envision the Board typically sitting in three-member panels drawn, on a rotating basis, from a four member Board. The “off” member will then be able to dedicate his/her energies to bringing other matters to conclusion. In addition to leaving the Board better positioned to respond to its workload, this change, while preserving the capacity of the Board to act with two members, will increase the probability of three-member panels notwithstanding absences and recusals, and will concomitantly decrease the probability of the Administrator's being required to break a tie.

Administrative Requirements

EPA has found that good cause exists under 5 U.S.C. 553 (b)(3) (A), (B) and (d)(3) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to these rules and revocations. This rulemaking is related solely to EPA's organization, procedure, and practice. Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as