

and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: May 7, 1996.

Thomas O. Gessel,

*Director, Office of Regulations Management,  
Department of Veterans Affairs.*

Accordingly, 38 CFR part 17 is corrected by making the following correcting amendment:

#### **PART 17—MEDICAL**

1. The authority citation for Part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 5705.

2. In § 17.610, the formula portion of paragraph (c) is amended by removing "A=30" and adding, in its place, "A=3Φ".

[FR Doc. 96-11971 Filed 5-13-96; 8:45 am]

BILLING CODE 8320-01-P

#### **38 CFR Part 21**

RIN 2900-AH79

#### **Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty, 1995–96**

**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 1996 (October 1, 1995 through September 30, 1996) are changed to show a 2.9% increase in these rates.

**EFFECTIVE DATE:** October 1, 1995.

**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 1996, 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, 1994, through June 30, 1995, exceeds the total of the monthly Consumer Price Index-W for July 1, 1993, through June 30, 1994. Under this formula, the changes to the regulations

governing monthly rates reflect a 2.9% increase.

It should be noted that some veterans will receive an increase in monthly payments that will be less than 2.9%. 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 supplemental educational assistance. It also 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 2.9%.

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 or cooperative 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 these types of 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.

The changes set forth in this final rule are applied retroactively from the effective date of the statutory changes.

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 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. This final rule directly affects only individuals and does not directly affect small entities. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are 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 64.124.

#### **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, Entitlement programs—education, Entitlement programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 1, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 21 (subpart K) is amended as set forth below.

#### **PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

##### **Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)**

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

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In § 21.7136, paragraph (b)(3) is amended by removing "\$323.90" and adding, in its place, "\$333.30" and by removing "1994, and before October 1, 1995" and adding, in its place, "1995, and before October 1, 1996"; paragraph (c)(3) is amended by removing "\$263.18" and adding, in its place, "\$270.81" and by removing "1994, and before October 1, 1995" and adding, in its place, "1995, and before October 1, 1996"; and paragraphs (b)(1), (b)(2), (c)(1), and (c)(2) are revised, to read as follows:

##### **§ 21.7136 Rates of payment of basic educational assistance.**

\* \* \* \* \*

(b) *Rates.* (1) Except as provided in paragraphs (b)(2), (b)(3), and (d) of this section, the monthly rate of basic educational assistance payable for training that occurs after September 30,

1995, and before October 1, 1996, to a veteran whose service is described in paragraph (a) of this section is the rate stated in the following table.

Training	Monthly rate
Full time .....	\$416.62
3/4 time .....	312.46
1/2 time .....	208.31
Less than 1/2 but more than 1/4 time .....	208.31
1/4 time or less .....	104.15

(Authority: 38 U.S.C. 3015)

(2) If a veteran's service is described in paragraph (a) of this section, the monthly rate payable to the veteran for pursuit of an apprenticeship or other on-job training that occurs after September 30, 1995, and before October 1, 1996, is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program .....	\$312.46
Second six months of pursuit of program .....	229.14
Remaining pursuit of program .....	145.82

(Authority: 38 U.S.C. 3015, 3032(c))

\* \* \* \* \*

(c) \* \* \*

(1) Except as provided in paragraphs (c)(2), (c)(3), and (d) of this section, the monthly rate of basic educational assistance payable to a veteran for training that occurs after September 30, 1995, and before October 1, 1996, is the rate stated in the following table.

Training	Monthly rate
Full time .....	\$338.51
3/4 time .....	253.88
1/2 time .....	169.25
Less than 1/2 but more than 1/4 time .....	169.25
1/4 time or less .....	84.62

(Authority: 38 U.S.C. 3015, 3032(c))

(2) The monthly rate of educational assistance payable to a veteran for pursuit of an apprenticeship or other on-job training that occurs after September 30, 1995, and before October 1, 1996, is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program .....	\$253.88
Second six months of pursuit of program .....	186.18
Remaining pursuit of program .....	118.48

(Authority: 38 U.S.C. 3015, 3032(c))

\* \* \* \* \*

3. In § 21.7137, paragraph (c)(2) introductory text is amended by removing "1994, and before October 1, 1995" and adding, in its place, "1995, and before October 1, 1996"; paragraph (c)(2)(i) is amended by removing "\$592.88" and adding, in its place, "\$604.62"; paragraph (c)(2)(ii) is amended by removing "\$445.16" and adding, in its place, "\$453.96"; paragraph (c)(2)(iii) is amended by removing "\$296.44" and adding, in its place, "\$302.31"; paragraph (c)(2)(iv) is amended by removing "\$148.22" and adding, in its place, "\$151.15"; and paragraphs (a)(1) and (a)(2) are revised, to read as follows:

**§ 21.7137 Rates of payment of basic educational assistance for individuals with remaining entitlement under 38 U.S.C. ch. 34.**

(a) *Minimum rates.* \* \* \*

(1) Except as provided in paragraphs (a)(2), (b), and (c) of this section, the monthly rate of basic educational assistance for training that occurs after September 30, 1995, and before October 1, 1996, is the rate stated in the following table.

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time .....	\$604.62	\$640.62	\$671.62	\$16.00
3/4 time .....	453.96	480.46	503.96	12.00
1/2 time .....	302.31	320.31	335.81	8.50
Less than 1/2 but more than 1/4 time .....		302.31		
1/4 time .....		151.15		
Cooperative .....	454.90	475.30	494.90	9.20

(Authority: 38 U.S.C. 3015(c), (f), (g))

(2) For veterans pursuing an apprenticeship or other on-job training,

the monthly rate of basic educational assistance for training that occurs after September 30, 1995, and before October

1, 1996, is the rate stated in the following table.

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st 6 months of pursuit of program .....	\$415.21	\$427.59	\$438.46	\$5.25
2nd 6 months of pursuit of program .....	285.52	294.87	302.57	3.85
3rd 6 months of pursuit of program .....	169.62	175.74	180.47	2.45
Remaining pursuit of program .....	157.72	163.49	168.74	2.45

(Authority: 38 U.S.C. 3015(d), (f), (g))

\* \* \* \* \*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[DE26-1-6940; FRL-5503-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware: Amendment of Final Rule Pertaining to Regulation 24—Control of Volatile Organic Compound Emissions, Section 47—Offset Lithographic Printing; Correction

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

**ACTION:** Correction to Amendment of direct final rule.

**SUMMARY:** This document contains corrections to an amendment of a direct final rule, which was published on Tuesday, March 26, 1996 (61 FR 13101) (96-7063). This amendment pertains to Delaware Regulation 24, Control of Volatile Organic Compound Emissions, section 47, Offset Lithographic Printing.

**EFFECTIVE DATE:** March 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 597-3164.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 26, 1996, EPA published a Direct Final Rule approving a State Implementation Plan (SIP) revision submitted by Delaware (61 FR 2419) pertaining to Delaware Regulation 24, Control of Volatile Organic Compound Emissions, sections 10, 11, 12, 44, 45, 47, 48, and 49, and Appendices I, K, L, and M, effective November 29, 1994. These sections of Regulation 24 establish additional emission standards that represent the application of reasonably available control technology (RACT) to categories of stationary sources of volatile organic compounds (VOCs). Because EPA received adverse comments on section 47, Offset Lithographic Printing, EPA published an amendment of the direct final rule on March 26, 1996 (61 FR 13101), withdrawing section 47 only.

##### Need for Correction

As published, the amendment of the direct final rule contains errors which may prove to be misleading and are in need of clarification.

#### Correction of Publication

Accordingly, at 61 FR 13101, Mar. 26, 1996 the publication of the amendment, is corrected to read as follows: The heading “§ 54.420 [Amended]” is corrected to read “§ 52.420 [Amended]”. In amendatory instruction 2 the reference to “§ 54.420(c)(54)(i)(B)” is corrected to read “§ 52.420(c)(54)(i)(B)”.

Dated: May 1, 1996.

W. Michael McCabe,

*Regional Administrator, Region III.*

[FR Doc. 96-11855 Filed 5-13-96; 8:45 am]

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### 40 CFR Parts 52 and 81

[CT23-1-7084; FRL-5443-5]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Connecticut

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

**ACTION:** Final rule.

**SUMMARY:** EPA is responding to an adverse comment concerning EPA's proposal to redesignate Hartford, Connecticut as attainment for carbon monoxide. EPA is not changing its action to redesignate the area as attainment that took effect on January 2, 1996. EPA is also correcting an incorrect entry in the attainment status tables associated with this action.

**EFFECTIVE DATE:** January 2, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Wing H. Chau, Air Quality Planning Unit, Office of Ecosystem Protection, United States Environmental Protection Agency, Region I, Boston, Massachusetts 02203, (617) 565-3570.

**SUPPLEMENTARY INFORMATION:** On October 31, 1995, EPA published a direct final rule (60 FR 55316) which announced that this rule would take effect in 60 days, or January 2, 1996, unless EPA received adverse comment on the rule within 30 days in response to a notice of proposed rulemaking published on the same day (60 FR 55354). EPA also committed to withdraw the direct final rule in the event it received adverse comment, and to respond to any adverse comments in a subsequent final rulemaking action. EPA did receive a timely adverse comment on this rule. EPA failed, however, to withdraw the final rule within the 60 days given in the direct final rule, and the rule took effect on January 2, 1996.

In this notice, EPA is responding to the comment it received, but for the

reasons stated below, EPA is not changing the final rule in response to that comment. Had EPA withdrawn the direct final rule prior to its going into effect, EPA would have taken final action based on the proposal to promulgate a rule identical to the direct final rule that went into effect. Rather than now take the action of withdrawing the direct final rule only to repromulgate simultaneously an identical rule, however, EPA in this action is deciding to maintain the rule unchanged. EPA believes that withdrawal and repromulgation are unnecessary since the results would be identical to that obtained simply by leaving the rule unchanged and responding to the comments in this notice. This notice provides interested parties an opportunity to review how EPA addressed the comment and to petition for judicial review of EPA's action in this final rulemaking within 60 days of publication of this notice, as provided in section 307(b)(1) of the Act.

Also, in the October 31, 1995 direct final rulemaking, the revised Code of Federal Regulations (CFR) § 81.307 designation table for carbon monoxide identified a number of towns in the Litchfield, Middlesex, and Tolland Counties as “Nonattainment \* \* \* Moderate ≤12.7 ppm”. The table should have shown these areas as attainment areas for CO. The revised § 81.307 designation table associated with this final rulemaking reflects the appropriate attainment status of the towns mentioned above. The USEPA regrets any inconvenience these errors may have caused.

#### I. Summary of Action and Responses to Comments

EPA did receive one comment from the New York Mercantile Exchange (NYMEX), dated November 29, 1995. NYMEX is the world's largest exchange of energy futures, and NYMEX is concerned that the redesignation of the Hartford area might affect gasoline formulation requirements and disrupt futures contracts entered into based on gasoline formulation requirements in effect prior to the redesignation. The comment questioned whether EPA had offered interested persons any meaningful opportunity to comment on this proposal, and asserted that EPA should have provided “far more than the limited period of notice afforded in these redesignation approvals” to avoid disruption in the petroleum industry and energy futures markets when changing environmental requirements.

As a legal matter, this SIP action is subject to the procedures of the Administrative Procedures Act (“APA”)