

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,

1997, 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 Acting 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 64.124.

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, 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: October 17, 1997.

Hershel W. Gober,
Acting Secretary of Veterans Affairs.

For the reasons set out above, 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 (Montgomery GI Bill—Active Duty)

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, paragraphs (b), (c)(1), (c)(2), and (c)(3) are revised, to read as follows:

§ 21.7136 Rates of payment of basic educational assistance.

* * * * *

(b) *Rates.* (1) Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable for training that occurs after September 30, 1997, and before October 1, 1998, 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	\$439.85
¾ time	329.89
½ time	219.93
Less than ½ but more than ¼ time	219.93
¼ time or less	109.96

(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 apprenticeship or other on-job training that occurs after September 30, 1997, and before October 1, 1998, is the rate stated in the following table:

Training period	Monthly rate
First six months of pursuit of training	\$329.89
Second six months of pursuit of training	241.92
Remaining pursuit of training	153.95

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

(3) If a veteran's service is described in paragraph (a) of this section, the monthly rate of basic educational assistance payable to the veteran for pursuit of a cooperative course is:

(i) \$427.87 for training that occurs after October 8, 1996, and before October 1, 1997; and
(ii) \$439.85 for training that occurs on or after October 1, 1997.

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

(c) * * *

(1) Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran for training that occurs after September 30, 1997, and before October 1, 1998, is the rate stated in the following table:

Training	Monthly rate
Full time	\$357.38
¾ time	268.04
½ time	178.69
Less than ½ but more than ¼ time	178.69

Training	Monthly rate
¼ time or less	89.35

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

(2) The monthly rate of educational assistance payable to a veteran for pursuit of apprenticeship or other on-job training that occurs after September 30, 1997, and before October 1, 1998, is the rate stated in the following table:

Training period	Monthly rate
First six months of pursuit of training	\$268.04
Second six months of pursuit of training	196.56
Remaining pursuit of training	125.08

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

(3) The monthly rate of basic educational assistance payable to a veteran for pursuit of a cooperative course is:

(i) \$347.65 for training that occurs after October 8, 1996, and before October 1, 1997; and

(ii) \$357.38 for training that occurs on or after October 1, 1997.

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

* * * * *

3. In § 21.7137, paragraph (c)(2) introductory text is amended by removing "1996, and before October 1, 1997" and adding, in its place, "1997, and before October 1, 1998"; paragraph (c)(2)(i) is amended by removing "\$615.87" and adding, in its place, "\$627.85"; paragraph (c)(2)(ii) is amended by removing "\$462.40" and adding, in its place, "\$471.39"; paragraph (c)(2)(iii) is amended by removing "\$309.94" and adding, in its place, "\$313.93"; paragraph (c)(2)(iv) is amended by removing "\$153.97" and adding, in its place, "\$156.96"; and paragraph (a) is 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 elsewhere provided in this section, the monthly rate of basic educational assistance for training that occurs after September 30, 1997, and before October 1, 1998, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$627.85	\$663.85	\$694.85	\$16.00
¾ time	471.39	497.89	521.39	12.00
½ time	313.93	331.93	347.43	8.50
Less than ½ but more than ¼ time	313.93	313.93	313.93	0.00
¼ time or less	156.96	156.96	156.96	0.00

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

(2) For veterans pursuing apprenticeship or other on-job training, the monthly rate of basic educational assistance for training that occurs after September 30, 1997, and before October 1, 1998, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st six months of pursuit of program	\$432.64	\$445.01	\$455.89	\$5.25
2nd six months of pursuit of program	298.29	307.64	315.34	3.85
3rd six months of pursuit of program	177.75	183.87	188.60	2.45
Remaining pursuit of program	165.85	171.62	176.87	2.45

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

(3) The monthly rate payable to a veteran who is pursuing a cooperative course is the rate stated in the following table:

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Oct. 9, 1996–Sept. 30, 1997	\$579.87	\$605.37	\$629.87	\$11.50
On or after Oct. 1, 1997	591.85	617.35	641.85	11.50

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

* * * * *

[FR Doc. 97-28723 Filed 10-29-97; 8:45 am]

BILLING CODE 8320-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 95-177; FCC 97-379]

Biomedical Telemetry Transmitters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Report and Order*, the Commission amends its regulations regarding the unlicensed operation of biomedical telemetry transmitters in the 174-216 MHz (TV channels 7-13) and 470-668 MHz (TV channels 14-46) bands, as proposed in the *Notice of*

Proposed Rule Making ("Notice") in this proceeding, 61 FR 3367, January 31, 1996. These amendments will provide patients in health care facilities the ability to move about in a limited area while being continually monitored, speeding patient recovery times, shortening lengths of stay, and reducing health care costs. The standards being adopted for these devices should protect the licensed services operating in the TV bands. Further, a coordination procedure has been implemented to protect radio astronomy observatories from potential interference from biomedical telemetry systems operating on 608-614 MHz (TV channel 37).

DATES: Effective December 1, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 418-2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in ET Docket No. 95-177, FCC 97-379, adopted October 9, 1997, and released October 20, 1997. The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, D.C. 20036.

Summary of the Report and Order

1. In the *Report and Order* ("Order"), the Commission amended Part 15 of its regulations to permit unlicensed biomedical telemetry transmission