

§ 3.810 Clothing allowance.

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(d) If a veteran is incarcerated in a Federal, State, or local penal institution for a period of more than 60 days and is furnished clothing without charge by the institution, VA shall reduce the amount of the annual clothing allowance by 1/365th of the amount otherwise payable for each day the veteran was incarcerated during the 12-month period preceding the anniversary date for which entitlement is established. No reduction shall be made for the first 60 days of incarceration.

(Authority: 38 U.S.C. 5313A)

§ 3.1000 [Amended]

6. In § 3.1000, the introductory text of paragraph (a) is amended by removing "1 year" and adding, in its place, "2 years", and by adding an authority citation to read as follows:

§ 3.1000 Under 38 U.S.C. 5121.

(a) * * *

(Authority: 38 U.S.C. 5121(a))

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§ 3.1600 [Amended]

7. In § 3.1600, paragraph (c), the second sentence is amended by removing "(as defined in 38 U.S.C. 1701(4))" and adding, in its place, "(as described in 38 U.S.C. 1701(3))"; by removing "1711(a), or" and adding, in its place, "1711(a); admission (transfer) to a non-VA facility (as described in 38 U.S.C. 1701(4)) for hospital care under the authority of 38 U.S.C. 1703;" and by removing "United States." and adding, in its place, "United States; or admission (transfer) to a State nursing home for nursing home care with respect to which payment is authorized under the authority of 38 U.S.C. 1741."

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DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 21**

RIN 2900-AH97

Veterans Education: Submission of School Catalogs to State Approving Agencies

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and educational benefits regulations of the Department of Veterans Affairs (VA). The current regulations provide that schools must

submit a catalog or bulletin to the State Approving Agency (SAA) when seeking approval for courses for training under VA-administered education programs. Public Law 102-568 removed this requirement for elementary and secondary schools. Accordingly, VA is amending the regulations to state that accredited schools, other than elementary and secondary schools, as part of the approval process must submit catalogs to the State agencies that approve courses for training under VA-administered education programs.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service (225), Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on January 8, 1997 (62 FR 1075), VA proposed to amend the "Administration of Educational Assistance" regulations which are set forth in 38 CFR 21.4001 *et seq.* It was proposed to amend the regulations so that accredited schools, other than elementary or secondary schools, as part of the approval process must submit catalogs to the State approving agencies. Comments were sought under the Paperwork Reduction Act concerning the collection of information in the proposed § 21.4253(d)(1).

Interested persons were given 60 days to submit comments. No comments were received. Accordingly, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule.

The amendments made by this final rule relieve restrictions. Therefore, under the provisions of 5 U.S.C. 553(d), there is a basis for making this final rule effective immediately.

Paperwork Reduction Act

Information collection and recordkeeping requirements in this final rule (concerning 38 CFR 21.4253(d)(1)) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and have been assigned OMB control number 2900-0568. The provisions of § 21.4253(d)(1) restate a statutory requirement which provides that before a State Approving Agency (SAA) may approve a course of an accredited educational institution (other than an elementary or secondary school) for training under VA-administered educational assistance programs, the educational institution must submit to

the SAA certified copies of its catalog or bulletin containing certain information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number assigned to the collection of information in this final rule is displayed at the end of the affected section of the regulations.

Regulatory Flexibility Act

The Secretary of Veterans Affairs 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. Although it is possible that a small entity could be subject to this rulemaking, all schools prepare a catalog or bulletin that would meet the requirements of this rulemaking. Consequently, there will be no significant economic impact on small entities from this rulemaking.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117, 64.120, and 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 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: June 2, 1997.

Jesse Brown,

Secretary of Veterans Affairs.

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

PART 21—VOCATIONAL REHABILITATION AND EDUCATION**Subpart D—Administration of Educational Assistance Programs**

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

Authority: 10 U.S.C. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4253, paragraph (d)(1) is revised to read as follows:

§ 21.4253 Accredited courses.

* * * * *

(d) * * *

(1) The institution (other than an elementary or secondary school) has submitted to the State approving agency copies of its catalog or bulletin which are certified as true and correct in content and policy by an authorized representative, and the publication shall:

(i) State with specificity the requirements of the institution with respect to graduation;

(ii) Include institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of the probationary period, if any, allowed by the institution, conditions of reenrance for those students dismissed for unsatisfactory progress, and a statement regarding progress records kept by the institution and furnished the student);

(iii) Include institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; and

(iv) Include any attendance standards of the institution if the institution has and enforces such standards.

(Authority: 38 U.S.C. 3675(a), 3676(b))

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(Paperwork requirements in § 21.4253(d)(1) were approved by the Office of Management and Budget under control number 2900-0568.)

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket Nos. RM97-3, MC96-2, MC96-3 and MC97-1; Order No. 1185]

Amendments to Domestic Mail Classification Schedule

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This final rule sets forth the changes to the Domestic Mail Classification Schedule (DMCS) and the accompanying rate changes as a result of the Governors' Decisions on the Recommended Decisions of the Postal Rate Commission in Docket Nos. MC96-2, MC96-3 and MC97-1. The

Commission's Recommended Decision in Docket No. MC96-2 (issued July 19, 1996) and its Further Opinion and Recommended Decision in Docket No. MC96-2 (issued May 14, 1997) changed the classification provisions for Nonprofit Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals, Within County Periodicals and Classroom Publications. The Commission's Decision in Docket No. MC96-3 (issued April 2, 1997) changed the classification provisions for selected Special Services. An Experimental Nonletter-Size Business Reply Mail Category, to begin June 8, 1997 and expire June 8, 1999, was established with the Governors' Decision accepting the Commission's Recommended Decision in Docket No. MC97-1. For this reason Appendix A to Subpart C has been revised to reflect those changes.

DATES: This rule is effective July 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, Legal Advisor, Postal Rate Commission, 1333 H Street, NW, Suite 300, Washington, D.C. 20268-0001, (202) 789-6820.

SUPPLEMENTARY INFORMATION: On April 4, 1996, the Postal Service, pursuant to its authority under 39 U.S.C. 3621, *et seq.*, filed a request with the Postal Rate Commission for a recommended decision on classification reform proposals for some types of preferred rate mail. The Commission designated this filing as Docket No. MC96-2, Classification Reform II (Nonprofit Mail) and on April 11, 1996, the Commission published a notice in the **Federal Register** (61 FR 16129-16146) outlining the Postal Service request and allowing interested parties an opportunity to intervene.

The Commission issued its recommended decision on the Postal Service request on July 19, 1996. The recommended decision followed closely the settlement agreement signed by 13 participants and the Postal Service, with the exception of the proposal for Classroom Periodicals. In Order No. 1125, issued simultaneously with the Recommended Decision, the Commission directed the Postal Service to provide further data and information on the proposed changes in Classroom Periodicals.

On August 5, 1996, the Governors issued a decision accepting the Recommended Decision of the Postal Rate Commission, and by Resolution No. 96-4 established October 6, 1996 as the effective date for implementation. Decision of the Governors of the United States Postal Service on Recommended

Decision of the Postal Rate Commission on Nonprofit Standard Mail, Nonprofit Enhanced Carrier Route Standard Mail, Nonprofit Periodicals, and Within County Periodicals, Docket No. MC96-2, August 5, 1996.

In response to Order No. 1125, the Postal Service filed additional testimony. On May 14, 1997, the Commission issued its Further Opinion and Recommended Decision on Classroom Publications. On June 5, 1997, the Governors' issued a decision accepting the Commission's Recommended Decision, and by Resolution No. 97-9, established October 5, 1997 as the effective date for implementation.

The Request of the United States Postal Service for a Recommended Decision on Special Service Changes was filed on June 7, 1996. It proposed changes in provisions of the Domestic Mail Classification Schedule and fees for selected special services. The Postal Service proposed changes in the terms of service or fees for post office boxes (including caller service), certified mail, return receipt, insurance and registered mail service. The proposal established a new special service for postal cards, and renamed postal cards "Stamped Cards". The proposal also eliminated special delivery service. The Commission published a notice in the **Federal Register** (61 FR 31968-31979) outlining the Postal Service Request and allowing interested parties an opportunity to intervene. The Commission issued its Recommended Decision on April 2, 1997.

On May 6, 1997, the Governors issued a decision accepting the Recommended Decision of the Postal Rate Commission and by Resolution 97-7 established June 8, 1997 as the effective date for implementation. Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Special Services Fees and Classifications, Docket No. MC96-3, May 6, 1997.

The proceedings in Docket No. MC97-1 were initiated to consider a Request of the United States Postal Service, filed on December 13, 1996, for establishment, on an experimental basis, of new mail classifications and fees for nonletter-size Business Reply Mail. The Postal Service proposed to conduct this experiment over a two-year period with a limited number of participants. This experimental filing was made under sections 67 through 67d of the Commission's rules of practice, 39 CFR 3001.67 through 3001.67d. The Commission gave notice of the Postal Service's Request in Order No. 1148