

(b) Fails to cooperate in the counseling process.

(c) Does not complete counseling to the extent required under paragraph § 21.4840(c).

(Authority: 106 Stat. 2763, Pub. L. 102-16, Pub. L. 102-484)

§§ 21.4845—21.4849 [Reserved]

Administrative

§ 21.4850 Inspection of records.

(a) *Availability of records.* The records and accounts of employers pertaining to eligible persons on behalf of whom assistance shall be paid, as well as other records that VA determines to be necessary to ascertain compliance with the requirements established in §§ 21.4820 through 21.4832 shall be available at reasonable times for examination by authorized representatives of the Federal Government. If the records are maintained by an educational institution training the employee on behalf of the employer, the latter shall be responsible for insuring their availability.

(Authority: 106 Stat. 2765, Pub. L. 102-484, sec. 4491(a), 10 U.S.C. 1143 note)

(b) *Retention of records.* (1) Except as provided in paragraph (b)(2) of this section, an employer must keep the records mentioned in paragraph (a) of this section intact and in good condition for at least three years following:

(i) The last month or quarter for which the employer received a periodic payment on behalf of the eligible person as described in § 21.4832(a), or

(ii) The date on which VA paid the employer a lump-sum incentive payment provided that the employer received such a payment on behalf of the eligible person.

(2) Retention of records for a period longer than that described in paragraph (b)(1) of this section is not required unless the employer receives a written request from the General Accounting Office or VA not later than 30 days before the end of the 3-year period.

(Authority: 106 Stat. 2765, Pub. L. 102-484, sec. 4491(a), 10 U.S.C. 1143 note)

§ 21.4851 [Reserved]

§ 21.4852 Monitoring and investigations.

(a) *Monitoring and investigations.* VA with the assistance of the Department of Labor may determine compliance with the provisions of §§ 21.4820 through 21.4832 by:

(1) Monitoring employers and eligible persons participating in job training programs,

(2) Investigating any matter necessary to determine compliance, and

(3) Requiring the submission of information deemed necessary by the Secretary of Veterans Affairs or by the Secretary of Labor before, during or after training.

(Authority: 106 Stat. 2765, Pub. L. 102-484, sec. 4491(b), (c) and (d), 10 U.S.C. 1143 note)

(b) *Scope of investigations.* VA, with the assistance of the Department of Labor will carry out the monitoring and investigative functions contained in paragraph (a) of this section by:

(1) Examining records (including making certified copies of records),

(2) Questioning employees, and

(3) Entering into any premises or onto any site where:

(i) Any part of the job training program is conducted, or

(ii) Any of the employer's records are kept.

(Authority: 106 Stat. 2765, Pub. L. 102-484, sec. 4491(b), (c) and (d), 10 U.S.C. 1143 note)

§ 21.4853 [Reserved]

§ 21.4854 Delegation of authority to the Under Secretary for Benefits.

Authority is delegated by the Secretary to the Under Secretary for Benefits of VA or his or her designee to enter into such agreements with the Departments of Defense and Labor or either of those, as may be necessary to implement the Service Members Occupational Conversion and Training Act.

(Authority: 38 U.S.C. 512)

§ 21.4855 [Reserved]

§ 21.4856 Delegation of authority to the Veterans Benefits Administration.

In a Memorandum of Agreement among the Departments of Defense, Veterans Affairs, and Labor, the Secretary was designated as the implementing official for the Service Members Occupational Conversion and Training Act. In § 2.101 of this title the Secretary has delegated authority given to the Secretary in the Memorandum to the Under Secretary for Benefits and to supervisory or adjudicative personnel within the jurisdiction of the Veterans Benefits Administration designated by him or her, to make findings and decisions under the Service Members Occupational Conversion and Training Act and the applicable regulation, precedents and instructions relating to programs authorized by §§ 21.4800 through 21.4852 of this part.

(Authority: 38 U.S.C. 512)

[FR Doc. 95-2229 Filed 1-30-95; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Revisions to Weight and Preparation Standards for Barcoded Letter Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This amends the final rule published on December 22, 1994, to detail the rate applicable to pieces that cannot qualify for a Barcoded First-Class rate because of presort. Basically, this amendment allows such pieces to qualify for the Nonpresorted ZIP+4 rate on an exceptional basis.

EFFECTIVE DATE: January 16, 1995.

FOR FURTHER INFORMATION CONTACT: Anthony M. Pajunas, (202) 268-3669.

SUPPLEMENTARY INFORMATION: On December 22, 1994, the Postal Service published in the **Federal Register** (59 FR 65967-65971) a final rule to amend the Domestic Mail Manual (DMM) standards for the physical characteristics of automation-compatible barcoded letter-size mail. For a period of up to 1 year, beginning January 16, 1995, the Postal Service will conduct a test of live barcoded bulk third-class regular rate letter mail weighing between 3.0 and 3.3071 ounces, and barcoded bulk third-class nonprofit rate, First-Class and second-class letter mail weighing between 3.0 and 3.3376 ounces.

The revised DMM standards implemented for this test of "heavy letter mail" included that each such mailpiece be part of a mailing that is 100 percent delivery point barcoded; have the barcode in the address block; be in an envelope that has no open windows; and not be bound or have stiff enclosures.

Although Barcoded rates would apply to all pieces in such mailings at second- and third-class rates (level A, B3, and B5 Barcoded second-class rates, and basic, 3-, and 5-digit Barcoded third-class rates), pieces in the residual portion of First-Class mailings (i.e., those that could not qualify for the 3- or 5-digit Barcoded rates because of presort). Accordingly, under the final rule, these First-Class heavy letter mailpieces would not be eligible for another "basic" Barcoded rate. (The First-Class nonpresorted Barcoded rates are available only for flats and cards.)

The amendment to the final rule appearing below corrects this oversight by adding language in the DMM that makes it clear that the rate applicable to such pieces is the nonpresorted ZIP+4 rate, the same rate available to other barcoded letter-size First-Class Mail in

similar presort circumstances. For clarity, the revised text of DMM C810.1.5 below replaces the text of DMM C810.1.5 and 1.6 that appeared in the final rule, and amends the reference in DMM C810.2.3 for consistency; the revised text of DMM E147.1.1c also removes an erroneous reference to ZIP+4 barcodes.

This revision does *not* alter the thickness standards for heavy letter mail or other mail at a ZIP+4 or Barcoded rate; does *not* affect the weight or other eligibility criteria for nonpresorted ZIP+4 mail generally; and does *not* extend the availability of the nonpresorted ZIP+4 or any other ZIP+4 rate to other delivery point barcoded pieces weighing more than 3 ounces or non-delivery point barcoded pieces weighing more than 2.5 ounces. The revised rule allows the nonpresorted ZIP+4 rate for pieces weighing more than 3 ounces only if those pieces are delivery point barcoded and part of an otherwise correctly prepared Barcoded rate mailing of heavy letter mail prepared for this test.

List of Subjects in 39 CFR Part 111

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the Domestic Mail Manual as noted below:

C810 Letters and Cards

1.0 GENERAL DIMENSIONS

* * * * *

1.5 Barcoded

The weight of each piece in a Barcoded rate mailing must not exceed 3 ounces, except that until January 14, 1996, the maximum weight is 3.3363 ounces (or 3.3067 ounces if mailed at regular bulk third-class rates) for heavy letter mail (i.e., pieces that meet additional barcoding standards in C840, are prepared in an envelope, and are part of a 100% delivery point barcoded mailing).

2.0 PROHIBITIONS

* * * * *

2.3 Heavy Letter Mail

Heavy letter mail (under 1.5) may not be prepared as a self-mailer or bound or booklet-type mailpiece.

* * * * *

E147 Nonpresorted ZIP+4 Rate

1.0 BASIC STANDARDS

1.1 All Pieces

* * * * *

c. Meet the physical standards in C810, except:

(1) The maximum weight of each piece is 3 ounces if at least 85% of all pieces in the mailing are correctly delivery point barcoded.

(2) The maximum weight of each piece is 3.3376 ounces for pieces in the residual portion of a 3- or 5-digit Barcoded rate mailing of heavy letter mail, as defined in C810.

* * * * *

R100 First-Class Mail

* * * * *

[Revise the Summary of First-Class Rates chart as follows:]

Weight Not Over (ounces)	Nonpresorted—ZIP+4
4 [ounces]	\$0.995 (Weight not to exceed 2.5 ounces except under E147)

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance will be published in the **Federal Register** as provided by 39 CFR 111.3.

Stanley F. Mires,
Chief Counsel, Legislative.
[FR Doc. 95-2339 Filed 1-30-95; 8:45 am]
BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA-20-1-6786; FRL-5144-7]

Transportation Conformity; Approval of Petition for Exemption from Nitrogen Oxides Provisions, Nonclassifiable Ozone Nonattainment Areas, Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a petition from the State of Louisiana requesting that the nonclassifiable ozone nonattainment areas in the State be exempted from the requirement to perform the oxides of nitrogen (NO_x) portion of the build/no-build test required by the new Federal transportation conformity rule. This petition for exemption was submitted on August 5, 1994.

EFFECTIVE DATE: This action will become effective on March 2, 1995.

ADDRESSES: Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the above location and at the following locations:

- U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.
- Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.
- Louisiana Department of Environmental Quality, Air Quality Division, P.O. Box 82135, Baton Rouge, Louisiana 70884-2135.

Anyone wishing to review this petition at the US EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Mick Cote, Planning Section (6T-AP), Air Programs Branch, U.S. Environmental Protection Agency, telephone (214) 665-7219.

SUPPLEMENTARY INFORMATION:

Background

The transportation conformity final rule, entitled "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under title 23 U.S.C. or the Federal Transit Act," was published in the **Federal Register** on November 24, 1993 (58 FR 62188). This action was required under Section 176(c)(4) of the Clean Air Act (CAA). The transportation conformity rule requires each ozone nonattainment area and maintenance area to perform a regional analysis of motor vehicle volatile organic compound and NO_x emissions from any planned transportation project. This analysis must demonstrate that the emissions which would result from the proposed transportation system if the transportation plan were implemented are within the total allowable level of