

defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the revised regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Any cost savings for schools which will result from no longer having to maintain attendance records will not have a significant economic impact on such schools. Further, other amendments directly affect only individuals.

These regulations have been reviewed by OMB (the Office of Management and Budget) under provisions of E.O. 12866.

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

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 29, 1995.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21, subparts D and K are amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

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

Authority: 38 U.S.C. 501(a).

2. In § 21.4136, paragraph (k)(1)(ii)(C) is revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.*

(1) * * *

(ii) * * *

(C) The veteran submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

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3. In § 21.4137, paragraph (h)(1)(ii)(C) is revised to read as follows:

§ 21.4137 Rates; educational assistance allowance—38 U.S.C. Chapter 35.

* * * * *

(h) *Mitigating circumstances.*

(1) * * *

(ii) * * *

(C) The eligible person submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the eligible person is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

* * * * *

§ 21.4234 [Amended]

4. In § 21.4234(d)(2)(iii), remove the phrase “§§ 21.4230 and 21.4231”, and add, in its place, the phrase “§ 21.4230”.

5. In § 21.4253, paragraph (d)(5) is revised and an authority citation is added for paragraph (d) to read as follows:

§ 21.4253 Accredited courses.

* * * * *

(d) *School qualification.* * * *

(5) If the school has a standard of attendance, it maintains records of attendance for veterans and eligible persons enrolled in resident courses which are adequate to show the student meets the school’s standard of attendance.

(Authority: 38 U.S.C. 3474, 3675)

* * * * *

§ 21.4262 [Amended]

6. In § 21.4262(c)(10), remove the phrase “as by” and add, in its place, the phrase, “as approved by”.

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

7. The authority citation for subpart K of part 21 continues to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98-525; 38 U.S.C 501(a).

§ 21.7042 [Amended]

8. In § 21.7042(b)(9), remove the phrase “subparagraph (8) of this subparagraph”, and add, in its place, the phrase “paragraph (b)(8) of this section”.

9. In § 21.7042(d)(2)(i)(A), remove the phrase “paragraph (b)(b)” and add, in its place, the phrase “paragraph (b)”.

10. In § 21.7139, paragraphs (b)(2), introductory text, and (b)(2)(ii) are revised and paragraph (b)(2)(iii) is added to read as follows:

§ 21.7139 Conditions which result in reduced rates.

* * * * *

(b) *Withdrawals and nonpunitive grades.* * * *

(2) All of the following exist.

(i) * * *

(ii) The veteran or servicemember submits a description of the mitigating circumstances in writing to VA within one year from the date VA notifies the veteran or servicemember that he or she must submit a description of the mitigating circumstances, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(iii) The veteran or servicemember submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

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[FR Doc. 95-15195 Filed 6-20-95; 8:45 am]

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POSTAL SERVICE

39 CFR Part 241

Discontinuance of Post Offices

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This amendment reflects the current approval authority for post office discontinuance proposals.

EFFECTIVE DATE: June 21, 1995.

FOR FURTHER INFORMATION CONTACT: Kimberly Matalik, (202) 268-3500.

SUPPLEMENTARY INFORMATION: The Postal Service has recently undertaken further refinements to its management structure. Consistent with earlier, more comprehensive, restructuring efforts, this has resulted in the rearrangement of internal functional responsibilities, but does not involve changes in rules or procedures that would adversely affect a member of the public (see 57 FR 49200, October 30, 1992).

As a result of these changes, the chief marketing officer/senior vice president is responsible for reviewing and approving post office discontinuance proposals.

The Postal Service therefore amends part 241 of title 39 of the CFR to set forth, without substantive amendment, the current approval authority for post office discontinuance proposals.

List of Subjects in 39 CFR Part 241

Organization and functions (Government agencies), Postal Service.

1. The authority citation for part 241 continues to read as follows:

Authority: 39 U.S.C. 401.

PART 241—ESTABLISHMENT, CLASSIFICATION, AND DISCONTINUANCE

2. Section 241.3 is amended by revising paragraphs (d)(4) introductory text only, (e)(2)(ii)(A), (f)(1), (f)(2) introductory text only, (f)(3), (f)(4), (f)(5), (g)(1)(i), (g)(2), (g)(3)(i), and (g)(4)(ii).

§ 241.3 Discontinuance of post offices.

* * * * *

(d) * * *

(4) *Record.* The district manager, Customer Service and Sales, must keep as part of the record for his or her consideration and for review by the chief marketing officer/senior vice president all the documentation gathered about the proposed change.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) Forward the revised proposal and the entire record to the chief marketing officer/senior vice president for final review.

* * * * *

(f) * * *

(1) *In general.* The chief marketing officer/senior vice president or a designee must review the proposal of the district manager, Customer Service and Sales. This review and the decision on the proposal must be based on and supported by the record developed by the district manager, Customer Service and Sales. The chief marketing officer/senior vice president can instruct the district manager to provide more information to supplement the record. Each such instruction and the response must be added to the record. The decision on the proposal of the district manager, which must also be added to the record, may approve or disapprove the proposal, or return it for further action as set forth below.

(2) *Approval.* The chief marketing officer/senior vice president or a designee may approve the proposal of the district manager, Customer Service and Sales, with or without further revisions. If approved, the term "Final

Determination" is substituted for "Proposal" in the title. A copy of the Final Determination must be provided to the district manager. The Final Determination constitutes the Postal Service determination for the purposes of 39 U.S.C. 404(b). The Final Determination must include the following notices:

* * * * *

(3) *Disapproval.* The chief marketing officer/senior vice president or a designee may disapprove the proposal of the district manager, Customer Service and Sales, and return it and the record to the manager with written reasons for disapproval. The manager must post a notice in each affected post office that the proposed closing or consolidation has been determined to be unwarranted.

(4) *Return for further action.* The chief marketing officer/senior vice president or a designee may return the proposal of the district manager, Customer Service and Sales, with written instructions to give additional consideration to matters in the record, or to obtain additional information. Such instructions must be placed in the record.

(5) *Public file.* Copies of each Final Determination and each disapproval of a proposal by the chief marketing officer/senior vice president, must be placed on file in the Postal Service Headquarters Library.

(g) * * *

(1) * * *

(i) Provide notice of the Final Determination by posting a copy prominently in the affected post office or offices. The date of posting must be noted on the first page of the posted copy as follows:

"Date of posting:"

The district manager, Customer Service and Sales, must notify the chief marketing officer/senior vice president in writing of the date of posting.

* * * * *

(2) *Implementation of determinations not appealed.* If no appeal is filed pursuant to 39 U.S.C. 404(b)(5), the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Final Determination was posted. A district manager, Customer Service and Sales, may request a different date for official discontinuance in the Post Office Change Announcement document submitted to the chief marketing officer/senior vice president. However, the post office may not be discontinued sooner than 60 days after the posting of the notice required by § 241.3(g)(1).

(3) * * *

(i) *Implementation of discontinuance.* If an appeal is filed, only the chief marketing officer/senior vice president may direct a discontinuance before disposition of the appeal. However, the post office may not be discontinued sooner than 60 days after the posting of notice required by § 241.3(g)(1).

* * * * *

(4) * * *

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the chief marketing officer/senior vice president must direct that either (A) notice be provided under § 241.3(f)(3) that the proposed discontinuance is determined not to be warranted or (B) the matter be returned to an appropriate stage under these regulations for further consideration following such instructions as the chief marketing officer/senior vice president may provide.

Stanley F. Mires,

Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 133; NJ20-1-6709a; FRL-5218-3]

Approval and Promulgation of Implementation Plans; Gasoline Volatility Regulation State of New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today announcing approval of certain revisions to the New Jersey State Implementation Plan (SIP) for ozone. This rule incorporates into the New Jersey SIP revisions to Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuel." These revisions include a modification to the State's volatility standard for vehicular fuels and the addition of a procedure by which persons may apply for an exemption from the Reid Vapor Pressure (RVP) standard that allows the use of gasoline which does not comply with that standard. This action is necessary to keep the State's SIP consistent with changes to its existing regulations.

DATES: This action is effective on August 21, 1995 unless adverse or critical comments are received by July