

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR Citation	OMB Control No.
77.100 .....	1219-0127
77.103(a)(2) .....	1219-0001
77.105 .....	1219-0127
77.106 .....	1219-0127
77.107 .....	1219-0127
77.107-1 .....	1219-0127
77.215 .....	1219-0015
77.215-2 .....	1219-0015
77.215-3 .....	1219-0015
77.215-4 .....	1219-0015
77.216-2 .....	1219-0015
77.216-3 .....	1219-0015
77.216-4 .....	1219-0015
77.216-5 .....	1219-0015
77.502 .....	1219-0116
77.800-2 .....	1219-0116
77.900-2 .....	1219-0116
77.1000 .....	1219-0026
77.1000-1 .....	1219-0026
77.1101 .....	1219-0051
77.1200 .....	1219-0073
77.1201 .....	1219-0073
77.1202 .....	1219-0073
77.1404 .....	1219-0034
77.1432 .....	1219-0034
77.1433 .....	1219-0034
77.1702 .....	1219-0078
77.1713 .....	1219-0083
77.1900 .....	1219-0019
77.1901 .....	1219-0082
77.1906 .....	1219-0034
77.1909-1 .....	1219-0025
90.201(c) .....	1219-0011
90.202(b) .....	1219-0011
90.204 .....	1219-0011
90.209 .....	1219-0011
90.220 .....	1219-0011
90.300 .....	1219-0011
90.301 .....	1219-0011

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

RIN 2900-AK80

**Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants; Correction****AGENCY:** Department of Veterans Affairs.**ACTION:** Correcting amendment.

**SUMMARY:** The Department of Veterans Affairs (VA) published a document in the *Federal Register* on April 5, 2007 (72 FR 16962), amending the regulations governing various aspects of the education programs that VA administers. That document contained several technical errors: reference to two subparts that were not specifically

identified, incorrect words used to identify the individuals eligible for a particular program of educational assistance, and incorrect references when citing to other provisions of VA's regulations. This document corrects those errors.

**DATES:** *Effective Date:* June 29, 2007.

*Applicability Dates:* The corrections to § 21.4131(a)(ii) and (d) (concerning educational assistance for licensing and certification tests) are applied retroactively to March 1, 2001. The corrections to §§ 21.7075 and 21.7142(b) (concerning "tuition assistance top-up") are applied retroactively to October 30, 2000. These accord with the applicability dates stated under DATES at 72 FR 16962 for provisions with those respective subject matters.

**FOR FURTHER INFORMATION CONTACT:**

Diane M. Walters, Management and Program Analyst, Education Service, Veterans Benefits Administration, Department of Veterans Affairs (225C), 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-9849. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** On April 5, 2007, VA published a document in the *Federal Register* (72 FR 16962) amending its education regulations to implement VA's authority under the Veterans Benefits and Health Care Improvement Act of 2000, the Veterans Claims Assistance Act of 2000, and the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. In part, these Acts provided educational assistance under the Survivors' and Dependents' Educational Assistance Program (DEA), the Post-Vietnam Era Veterans' Educational Assistance Program, and the Montgomery GI Bill-Active Duty for the cost of taking tests for licensure or certification.

In subpart D, in the introductory text of § 21.4131, we made reference to subparts C and G, but in subsequent paragraphs (a)(2)(ii) and (d)(2)(ii), we referred to "this subpart" rather than identifying the applicable subparts. This document corrects that error by specifying "subpart G" in paragraph (a)(2)(ii) and "subpart C" in paragraph (d)(2)(ii).

In § 21.4131(d), in describing individuals eligible for DEA, the provisions of § 21.4131(d) introductory text properly refer to "a person eligible to receive educational assistance under 38 U.S.C. chapter 35" and in § 21.4131(d)(1)(i) properly refer to "the eligible person", but when amending § 21.4131(d)(2) we twice incorrectly referred instead to "the veteran or servicemember", even though

individuals eligible for DEA need not have had any military service. This document corrects that error by referring instead to "the eligible person" in the first instance and "he or she" in the second instance.

When revising § 21.7075, a typographical error occurred in the last sentence of § 21.7075, in the cross-reference citation. This document corrects that error by removing "§ 21.7076(b)(11)" and replacing it with "§ 21.7076(b)(10)".

Lastly, when revising § 21.7142, we mistakenly in § 21.7142(b)(5)(ii) cited to the wrong paragraphs. This document corrects that error by removing "paragraph (a)(1) or (a)(2)" and replacing it with "paragraph (b)(1) or (b)(2)".

**List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, 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 25, 2007.

**Robert C. McFetridge,***Assistant to the Secretary for Regulation Policy and Management.*

■ For the reasons set out in the preamble, VA is correcting 38 CFR part 21 (subparts D and K) 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. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, and as noted in specific sections.

■ 2. Amend § 21.4131 by:

■ a. In paragraph (a)(2)(ii), removing "this subpart" and adding, in its place, "subpart G".

■ b. In paragraph (d)(2) introductory text, removing "veteran or servicemember" and adding, in its place, "eligible person".

■ c. In paragraph (d)(2)(ii), removing "the veteran or servicemember" and adding, in its place, "he or she" and removing "this subpart" and adding, in its place, "subpart C".

### Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

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

**Authority:** 38 U.S.C. 501(a), chs. 30, 36, and as noted in specific sections.

#### § 21.7075 [Amended]

■ 4. Amend § 21.7075 by removing “§ 21.7076(b)(11)” and adding, in its place, § 21.7076(b)(10)”.

#### § 21.7142 [Amended]

■ 5. Amend § 21.7142(b)(5)(ii) by removing “paragraph (a)(1) or (a)(2)” and adding, in its place, “paragraph (b)(1) or (b)(2)”.

[FR Doc. E7-12589 Filed 6-28-07; 8:45 am]

BILLING CODE 8320-01-P

## POSTAL SERVICE

### 39 CFR Part 955

#### Rules of Practice Before the Board of Contract Appeals

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is amending its rules regarding small claims (expedited) and accelerated proceedings before the Board of Contract Appeals.

**EFFECTIVE DATE:** June 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** Diane M. Mego, (703) 812-1905.

**SUPPLEMENTARY INFORMATION:** The John Warner National Defense Authorization Act for Fiscal Year 2007 (109 Pub. L. 364, 120 Stat. 2083 (Oct. 17, 2006)) amended the Contract Disputes Act to require boards of contract appeals to provide a procedure for the disposition of an appeal from a small business concern when the amount in dispute is \$150,000 or less. This rule amends 39 CFR part 955 to conform to the statutory change and to make other technical changes to the Small Claims (Expedited) and Accelerated procedure rules before the Board.

These revisions are a statutorily mandated change in agency rules of procedure and make other technical changes to the Board's rules of procedure that do not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

### List of Subjects in 39 CFR Part 955

Administrative practice and procedure, Contract Disputes Act of 1978, Postal Service.

■ Accordingly, the Postal Service adopts amendments to 39 CFR part 955 as specifically set forth below:

#### PART 955—[AMENDED]

■ 1. The authority citation for part 955 continues to read as follows:

**Authority:** 39 U.S.C. 204, 401; 41 U.S.C. 607, 608.

■ 2. Section 955.13 is revised to read as follows:

#### § 955.13 Optional Small Claims (Expedited) and Accelerated Procedures.

(a) *The SMALL CLAIMS (EXPEDITED) Procedure.* (1) The SMALL CLAIMS (EXPEDITED) procedure is available solely at the election of the appellant. Such election requires decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure.

(2) The appellant may elect this procedure when

(i) There is a monetary amount in dispute and that amount is \$50,000 or less, or

(ii) There is a monetary amount in dispute and that amount is \$150,000 or less and the appellant is a small business concern (as that term is defined in the Small Business Act and regulations promulgated under the Act).

(3) In cases proceeding under the SMALL CLAIMS (EXPEDITED) procedure, the respondent shall send the Board a copy of the contract, the contracting officer's final decision, and the appellant's claim letter or letters, if any, within ten days from the respondent's first receipt from either the appellant or the Board of a copy of the appellant's notice of election of the SMALL CLAIMS (EXPEDITED) procedure. If either party requests an oral hearing in accordance with § 955.9, the Board shall promptly schedule such a hearing for a mutually convenient time consistent with administrative due process and the 120-day limit for a decision, at a place determined under § 955.18. If a hearing is not requested by either party, the appeal shall be deemed to have been submitted under § 955.12 without a hearing.

(4) Promptly after receipt of the appellant's election of the SMALL CLAIMS (EXPEDITED) procedure, the Board shall establish a schedule of proceedings that will allow for the timely resolution of the appeal. Pleadings, discovery, and other

prehearing activities may be restricted or eliminated at the Board's discretion as necessary to enable the Board to decide the appeal within 120 days after the Board has received the appellant's notice of election of the SMALL CLAIMS (EXPEDITED) procedure. In so doing, the Board may reserve whatever time up to 30 days it considers necessary for preparation of the decision.

(5) Written decision by the Board in cases processed under the SMALL CLAIMS (EXPEDITED) procedure will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single Administrative Judge. If there has been a hearing, the Administrative Judge presiding at the hearing may, in his or her discretion, at the conclusion of the hearing and after entertaining such oral arguments as he or she deems appropriate, render on the record oral summary findings of fact, conclusions of law, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a printed copy of such oral decision for the record and payment purposes and for the establishment of the commencement date of the period for filing a motion for reconsideration under § 955.30.

(6) Decisions of the Board under the SMALL CLAIMS (EXPEDITED) procedure will not be published, will have no value as precedents, and in the absence of fraud, cannot be appealed.

(b) *The ACCELERATED Procedure.* (1) This procedure is available solely at the election of the appellant and shall apply only to appeals where there is a monetary amount in dispute and the amount in dispute is \$100,000 or less. Such election requires decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure.

(2) Promptly after receipt of the appellant's election of the ACCELERATED procedure, the Board shall establish a schedule of proceedings that will allow for the timely resolution of the appeal. The Board, in its discretion, may shorten time periods prescribed elsewhere in these Rules as necessary to enable the Board to decide the appeal within 180 days after the Board has received the appellant's notice of election of the ACCELERATED procedure.

(3) Written decisions by the Board in cases processed under the ACCELERATED procedure will normally be short and contain only summary findings of fact and