

C. Revising all references to "Veterans Services Officer's" to read "Veterans Service Center Manager's".

D. In § 13.2(a), removing "Office of the Veterans Services Division", and adding, in its place, "Veterans Service Center".

E. In § 13.56(b), removing misspelled word "mange", and adding, in its place, "manage".

F. In § 13.71(a)(3) and (b), removing "to the Adjudication Division" wherever it appears.

G. Revising § 13.108.

The revision reads as follows:

**§ 13.108 Estate equals or exceeds statutory limit; 38 U.S.C. 5503(b)(1).**

(a) *Discontinuance of payments.*

When a veteran, who is rated incompetent by VA and has no spouse or child, is receiving hospital treatment, or domiciliary care, or institutional care by the United States or any political subdivision, with or without charge, and the veteran's estate equals or exceeds the amount specified in § 3.557(b)(4) of this chapter, the Veterans Service Center Manager will discontinue VA payments, other than insurance, under the provision of § 3.557 of this chapter. In those cases in which the payments have been discontinued, the Veterans Service Center Manager will resume payments when the estate has been reduced to one half the amount specified in § 3.557(b)(4) of this chapter.

(b) *Waiver of discontinuance of payments.* The Veterans Service Center Manager will determine when discontinuance should be waived. Waiver of discontinuance of payments under this paragraph may be granted more than once in any calendar year, but will not exceed a total of 60 days in any calendar year.

(1) The Veterans Service Center Manager may authorize waiver of discontinuance of payments when necessary to avoid hardship.

(2) Hardship will not be considered present when assets are readily available to meet current liabilities.

(Authority:) 38 U.S.C. 5503(b)(1)(A))

(c) *Apportionment award to dependent parent for care and maintenance.* In any case in which a veteran, without spouse or child, is institutionalized by the United States or a political subdivision thereof and his or her award of compensation, pension or emergency officers' retirement pay has been discontinued because his or her estate equals or exceeds the amount specified in § 3.557(b)(4) of this chapter, an apportionment of the award otherwise payable may be made to a dependent parent based on actual need

as determined by the Veterans Service Center Manager. So much of any monthly remainder of the discontinued payments as equals the amount charged for his or her current care and maintenance in the institution in which treatment or care is furnished may be paid to the institution. This amount may not be more than the amount determined by the Veterans Service Center Manager to be the proper charge as fixed by statute or administrative regulation. The Veterans Service Center Manager will determine the amount of either award.

(Authority: 38 U.S.C. 5503(b)(2))

(d) *Death of veteran; personal funds of patient.* In the event of the incompetent veteran's death in other than a VA institution, the Veterans Services Officer should make certain that the provisions of the pertinent laws are applied as to the gratuitous benefits in Personal Funds of Patients.

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

[FR Doc. 02-17911 Filed 7-16-02; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 20

RIN 2900-AK74

#### Board of Veterans' Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on the Grounds of Clear and Unmistakable Error

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document affirms an amendment to the Rules of Practice of the Board of Veterans' Appeals (Board) to provide that, when a motion to revise a Board decision on the grounds of clear and unmistakable error (CUE) fails to provide specific allegations of error, the Board will dismiss the motion without prejudice to refiling. This amendment was made necessary by a decision of the United States Court of Appeals for the Federal Circuit.

**DATES:** *Effective Date:* July 17, 2002.

**FOR FURTHER INFORMATION CONTACT:** Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals (012), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202-565-5978).

**SUPPLEMENTARY INFORMATION:** The Board of Veterans' Appeals (Board) is an administrative body that decides appeals from denial of claims for

veterans' benefits. Among other remedies, appellants may challenge final Board decisions on the grounds that they were the product of clear and unmistakable error (CUE). 38 U.S.C. 7111; 38 CFR 20.1400-20.1411.

On July 10, 2001, VA published in the **Federal Register** at 66 FR 35902 an interim final rule relating to CUE motions. Essentially, that rule modified 38 CFR 20.1404 to provide that, where the motion does not meet the pleading requirements set forth in VA rules, the motion will be dismissed without prejudice to refiling.

We provided a 60-day comment period that ended on September 10, 2000. We received no comments. Based on the rationale set forth in the interim final rule, we adopt those changes as a final rule.

#### Administrative Procedure Act

This document without any changes affirm amendments made by an interim final rule that is already in effect. Accordingly, we have concluded under 5 U.S.C. 553 that there is good cause for dispensing with a delayed effective date based on the conclusion that such procedure is impracticable, unnecessary, and contrary to the public interest.

#### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This final rule would have no consequential effect on State, local, or tribal governments.

#### Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

#### Regulatory Flexibility Act

The Secretary 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 (RFA), 5 U.S.C. 601-612. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

#### List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Veterans.

Approved: July 3, 2002.

**Anthony J. Principi,**  
Secretary of Veterans Affairs.

## **PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE**

Accordingly, the interim final amending 38 CFR part 20 which was published at 66 FR 35902 on July 10, 2001, is adopted as a final rule without change.

[FR Doc. 02-17910 Filed 7-16-02; 8:45 am]

**BILLING CODE 8320-01-P**

## **POSTAL SERVICE**

### **39 CFR Part 111**

#### **Domestic Mail Manual; Miscellaneous Amendments**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This document describes the numerous amendments consolidated in the Transmittal Letter for Issue 57 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations; see 39 CFR 111.1. These amendments reflect changes in mail preparation requirements and other rules and regulations.

**EFFECTIVE DATE:** June 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Anne Emmerth, (703) 292-3641.

**SUPPLEMENTARY INFORMATION:** The Domestic Mail Manual (DMM), incorporated by reference in title 39, Code of Federal Regulations, part 111, contains the basic standards of the U.S. Postal Service governing its domestic mail services, descriptions of the mail classes and special services and conditions governing their use, and standards for rate eligibility and mail preparation. The document is amended and republished periodically, with each issue sequentially numbered. Interim updates of the DMM are posted monthly on the USPS Postal Explorer Web site (<http://pe.usps.gov>). DMM Issue 57, the next printed edition, is dated June 30, 2002. Issue 57 contains all changes previously published in the **Federal Register** (including the changes to implement the R2001-1 Omnibus Rate Case, published in 67 FR 18684) and all other changes listed below. Announcements were first published in the **Federal Register** and/or various issues of the Postal Bulletin, an official biweekly document published by the Postal Service.

In addition, the revised table of contents of DMM Issue 57 is presented.

### **Domestic Mail Manual Issue 57**

#### *Summary of Rate Case Changes*

The following changes were adopted as part of the R2001-1 Omnibus Rate Case. These changes are effective June 30, 2002.

#### **A ADDRESSING**

A010 is amended to remove references to upgradable mail and to include a preferred location for addresses on letter-size pieces.

The title of A800 is changed to show the standards apply to all automation-compatible mail, not just mail claimed at automation rates.

A950 is revised to clarify that the mailer's signature on a postage statement certifies the mail meets the requirements for the rates claimed and to change the requirements for filing Form 3553, *Coding Accuracy Support System (CASS) Summary Report*. Mailers are no longer required to submit Form 3553 with each mailing.

#### **C CHARACTERISTICS AND CONTENT**

C010 is amended to show that Standard Mail Enhanced Carrier Route (ECR) letters are subject to the standards for mailpiece dimensions and to remove information about the First-Class Mail nonstandard surcharge. C050 is amended to add the nonmachinable characteristics for letters.

C100.2.7 is amended to clarify the guidelines for perforations and tearing guides on cards. C100.4.0 is revised to reflect changes to the nonmachinable surcharge (formerly the "nonstandard surcharge") for some First-Class Mail letters and flats.

C700 is amended to note that mailpieces meeting any of the characteristics listed in C700.2.0 and that are mailed at the DSCF Parcel Select rate are subject to the nonmachinable surcharge.

C810 is amended to remove references to upgradable First-Class Mail and Standard Mail, to increase the weight limit for Standard Mail automation and ECR letters to 3.5 ounces, and to clarify that signing a postage statement certifies the mail meets the requirements for the rates claimed.

C820 is amended to add a weight limit for Bound Printed Matter flats claimed at automation rates.

C830 is deleted. C830 contained standards for upgradable mail, including address placement, OCR read area, fonts, and reflectance. The upgradable preparation for letters is replaced with a machinable preparation; the machinable preparation has no requirements for address placement, OCR read area, etc.

C840 is amended to remove references to upgradable mail.

#### **D DEPOSIT, COLLECTION, AND DELIVERY**

D210.3.4 is amended to show that the destination sectional center facility (DSCF) rate will apply to eligible mail entered at the DSCF under exceptional dispatch. D210.4.0 is revised to show that the DSCF rate will not apply to mail entered at airport mail facilities (AMFs).

D230.2.2 and 4.6 are deleted to remove the standards for Periodicals contingency entries.

D500 is amended to include additional circumstances that affect postage refund requests for Express Mail when the service guarantee is not met.

#### **E ELIGIBILITY**

E110.3.0 is amended to clarify the eligibility for pieces mailed at First-Class Mail card rates.

E120.2.2 is amended to change the Priority Mail flat rate from the 2-pound rate to the 1-pound rate. E120.2.4 reflects changes to show that keys and identification devices that weigh more than 13 ounces but not more than 1 pound are returned at the 1-pound Priority Mail rate plus the fee shown in R100.10.0. Keys and identification devices that weigh more than 1 pound but not more than 2 pounds are charged the 2-pound Priority Mail rate for zone 4 plus the fee in R100.10.0.

E130 is amended to show that the nonmachinable surcharge will apply to keys and identification devices, certain letter-size and flat-size pieces mailed at single-piece and Presorted rates, and all pieces where the mailer chooses the manual only ("do not automate") preparation option. It also is amended to clarify that signing a postage statement certifies the mail meets the requirements for the rates claimed.

E140 is amended to reorganize the information about rate application into two separate sections: one for cards and letter-size mail (2.0) and one for flat-size mail (3.0). E140.2.0 is amended to replace the basic rate with the new AADC and mixed AADC rates. E140.3.0 is amended to replace the basic rate with the new ADC and mixed ADC rates and to clarify the definition of a piece that is subject to the nonmachinable surcharge. E140 is amended to clarify that signing a postage statement certifies the mail meets the requirements for the rates claimed.

E217.1.0 and 3.0 are amended to reflect references to the new destination area distribution center (DADC) rates and discounts for Outside-County and Outside-County Science-of-Agriculture rates. E217.5.0 is restructured for clarity