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Part XVI

Department of
Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning April 2002. The

purpose in publishing the Department's regulatory agenda is to allow all interested persons the opportunity to participate in VA's regulatory planning.

ADDRESSES: Interested persons are invited to comment on the entries listed in the agenda by contacting the individual agency contact listed for each entry or by writing to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Gloria Armstrong at (202) 273-8605.

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review.

Roland Halstead,
Acting Director, Office of Regulatory Law.

Department of Veterans Affairs—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2659	Loan Guaranty: Availability of Vendee Financing for VA-Acquired Properties	2900-AL16

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2660	Waivers	2900-AK29
2661	Enrollment Priority Category Status Changes	2900-AK38
2662	Loan Guaranty: Multifamily Transitional Housing for Homeless Veterans Program	2900-AK58
2663	Enrollment—Provision of Hospital and Outpatient Care to Veterans	2900-AK92
2664	Payment for Non-VA Medical Services and Inpatient Care Provided at Non-VA Facilities	2900-AK94
2665	Reasonable Charges for Medical Care or Services	2900-AL06
2666	Fisher Houses and Other Temporary Lodging	2900-AL13
2667	Schedule for Rating Disabilities—The Orthopedic System	2900-AE91
2668	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
2669	Schedule for Rating Disabilities—Digestive System	2900-AF24
2670	Evidence on File at Date of Death	2900-AH42
2671	Schedule for Rating Disability: The Spine	2900-AJ60
2672	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
2673	Definition of Psychosis for Certain VA Purposes	2900-AK21
2674	National Service Life Insurance—Plain English Revision	2900-AK43
2675	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
2676	Veterans and Dependents Education: Topping Up Tuition Assistance and Payment for Licensing and Certification Tests	2900-AK80
2677	Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues	2900-AK81
2678	Schedule for Rating Disabilities; Evaluation of Tinnitus	2900-AK86
2679	Time Limit for Request for De Novo Review	2900-AK97
2680	Accelerated Payments Under the Montgomery GI Bill—Active Duty Program	2900-AL22
2681	Amendments to Training and Rehabilitation Programs	2900-AL24
2682	Universal Product Numbers (UPNs)	2900-AJ45
2683	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
2684	Board of Veterans' Appeals: Rules of Practice—Appeal Withdrawal	2900-AK71
2685	Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans	2900-AL08
2686	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
2687	Eligibility for Burial of Dependent Adult Children of Eligible Veterans; and Eligibility for Burial of Certain Filipino Veterans	2900-AI95
2688	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort; Regional Office Committee on Waiver and Compromises	2900-AK10

VA

Department of Veterans Affairs—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2689	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2690	Provision of Drugs and Medicines Prescribed by Non-VA Physicians	2900-AJ24
2691	Advanced Health Care Planning	2900-AJ28
2692	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
2693	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43
2694	Payment or Reimbursement for Emergency Treatment Furnished at Non-VA Facilities	2900-AK08
2695	Medical Benefits Package; Copayments for Extended Care Services	2900-AK32
2696	Reasonable Charges for Medical Care or Services	2900-AK39
2697	Copayments for Inpatient Hospital Care and Outpatient Medical Care	2900-AK50
2698	Reasonable Charges for Medical Care or Services	2900-AK73
2699	Health Care for Children Born With One or More Covered Birth Defects to Vietnam Veterans	2900-AK88
2700	Civilian Health and Medical Program of Department of Veterans Affairs (CHAMPVA)	2900-AK89
2701	Reasonable Charges for Medical Care or Services	2900-AL05
2702	Filipino Veterans Eligible for Hospital Care, Nursing Home Care, and Medical Services	2900-AL18
2703	Schedule for Rating Disabilities—The Skin	2900-AF00
2704	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers	2900-AG20
2705	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21
2706	Vision	2900-AH43
2707	Intervertebral Disc Syndrome	2900-AI22
2708	Ankylosis and Limitation of Motion of Digits of the Hands	2900-AI44
2709	Exclusions From Income	2900-AJ52
2710	Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900-AJ80
2711	State Department as Agent of Department of Veterans Affairs	2900-AK03
2712	Finality of Decisions	2900-AK18
2713	Renouncement of Benefits	2900-AK23
2714	Independent Medical Opinions	2900-AK31
2715	Evidence From Foreign Countries	2900-AK37
2716	Veterans Vocational Rehabilitation and Education: Title Change	2900-AK46
2717	Filipino Veterans Benefit Improvements	2900-AK65
2718	Monetary Allowances for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects	2900-AK67
2719	Loan Guaranty: Pre-Purchase Counseling Requirements	2900-AK76
2720	Vocational Training for Certain Children of Vietnam Veterans—Covered Birth Defects and Spina Bifida	2900-AK90
2721	Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses	2900-AK98
2722	Increase in Rates Payable Under the Educational Assistance Test Program	2900-AL02
2723	Plain Language (Reader Focused Writing) Initiative; National Service Life Insurance (NSLI)	2900-AL09
2724	Adjudication, Fiduciary Activities	2900-AL10
2725	Exceptions to Definition of Date of Receipt Based on Special or Unforeseen Circumstances	2900-AL12
2726	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance Program	2900-AL17
2727	Cross Reference Change in Forms To Be Furnished	2900-AL19
2728	Service Connection by Presumption of Aggravation of a Chronic Preexisting Disease	2900-AL20
2729	Duty Periods; Inactive Duty for Training	2900-AL21
2730	Loan Guaranty: Implementation of Public Law 107-103	2900-AL23
2731	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	2900-AI71
2732	Sealed Bidding and Competitive Proposals	2900-AI99
2733	Construction and Architect-Engineer Contracts	2900-AJ56
2734	Veterans Affairs Acquisition Regulation: Revisions to VA Acquisition Regulations Parts 801 Through 805	2900-AK75
2735	Board of Veterans' Appeals—Rules of Practice—Attorney Fee Matters	2900-AI98
2736	The Board of Veterans' Appeals; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error: Content of Record; Advancement on the Docket	2900-AJ85

VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2737	Rules of Practice: Medical Opinions From the Veterans Health Administration	2900-AK52
2738	Appeals Regulations: Title for Members of the Board of Veterans Appeals	2900-AK62
2739	Board of Veterans Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AK74
2740	Board of Veterans' Appeals: Rules of Practice—Attorney Fee Matters; Notice of Disagreement Matters	2900-AL25
2741	Interment or Memorialization in VA National Cemeteries and Certain State Cemeteries—Federal or State Capital Crime	2900-AJ77
2742	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance	2900-AK13
2743	Release of Information From Department of Veterans Affairs Records	2900-AH98
2744	Recognition of Organizations and Accreditation of Representatives	2900-AI93

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2745	Protection of Human Subjects	2900-AJ08
2746	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
2747	Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug-Free Workplace (Assistance)	2900-AK16
2748	Recoupment of Nondisability Severance Pay From VA Compensation	2900-AK95
2749	Appeals Regulations; Rules of Practice	2900-AE78
2750	Operation of Child Care Centers at VA Facilities	2900-AD48

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
2751	Per Diem for Adult Day Health Care of Veterans in State Homes	2900-AJ74
2752	Policy Regarding Participation in National Practitioner Data Bank	2900-AJ76
2753	Compensated Work Therapy/Transitional Residences Program	2900-AK01
2754	Copayments for Medications	2900-AK85
2755	Amendments to Training and Rehabilitation Programs	2900-AG00
2756	Veterans Education: Reporting and Recordkeeping Requirements at Flight Schools	2900-AJ23
2757	Loan Guaranty: Advertising and Solicitation Disclosure Requirements	2900-AJ86
2758	Post-Traumatic Stress Disorder Claims Based on Personal Assault	2900-AK00
2759	Diseases Specific to Radiation-Exposed Veterans	2900-AK64
2760	Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability	2900-AK66
2761	Duty To Assist	2900-AK69
2762	Exclusion From Countable Income of Expenses Paid for Veteran's Last Illness Subsequent to Veteran's Death but Prior to Date of Death Pension Entitlement	2900-AK84
2763	Claims Based on Exposure to Ionizing Radiation	2900-AK87
2764	Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances	2900-AK96
2765	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve	2900-AK99
2766	Increase in Rates Payable Under the Dependents' Educational Assistance Program	2900-AL00
2767	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty	2900-AL01
2768	Notice of Appeal in Simultaneously Contested Claims	2900-AJ73
2769	Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects Without Remanding	2900-AK91
2770	Board of Veterans' Appeals Rules of Practice: Claim for Death Benefit by Survivor	2900-AL11
2771	Board of Veterans' Appeals—Title Change	2900-AL15
2772	Delegation of Authority—Decisionmaking Regarding Discrimination	2900-AJ63

VA

Department of Veterans Affairs—Discontinued Entries

Regulation Identification Number	Title	Date With-drawn	Comments
2900-AG07	Rules of Practice; Hearings	03/06/2002	Withdrawn
2900-AG90	Rules of Practice: Medical Opinions; Appeal Processing and Submission of Additional Evidence	03/06/2002	Withdrawn
2900-AH45	Headstone and Marker Inscription Policy	03/06/2002	Withdrawn
2900-AJ19	Dependents Education: Eligibility and Entitlement Standards	02/27/2002	Withdrawn
2900-AJ20	Medical Care and Treatment for Which VA Will Not Seek Reimbursement	03/06/2002	Withdrawn
2900-AJ21	Clothing Allowance	02/27/2002	Withdrawn
2900-AJ48	Use of the Secretary's Authority as Provided by 38 U.S.C. 2402(6)	03/06/2002	Withdrawn
2900-AJ66	Delegations of Authority—Appeals Regulations and Rules of Practice	03/06/2002	Withdrawn
2900-AJ82	Evidence of Permanent and Total Disability	03/05/2002	Withdrawn
2900-AJ84	Schedule for Rating Disabilities: Global Assessment of Functioning Scale in the Evaluation of Mental Disorders	03/05/2002	Withdrawn
2900-AJ91	Loan Guaranty: Revision to VA Work Rules for Credit Scored Loans	12/18/2001	Withdrawn
2900-AJ92	Loan Guaranty: Credit Standards Revision	12/18/2001	Withdrawn
2900-AJ93	Benefit of the Doubt	03/05/2002	Withdrawn
2900-AJ95	Permanent Incapacity for Self-Support	12/31/2001	Withdrawn
2900-AJ96	Presumptive Service Connection for Hepatitis C Infection	04/30/2002	Withdrawn
2900-AK02	Minimum Active Duty Requirement	03/05/2002	Withdrawn
2900-AK05	Medication Prescribing Authority	04/03/2002	Withdrawn
2900-AK09	Commencement of the Period of Payment	03/05/2002	Withdrawn
2900-AK11	Service Connection and Chronic Disability	03/05/2002	Withdrawn
2900-AK17	Time Limits, Extensions, and Computation of Time Limits	03/05/2002	Withdrawn
2900-AK19	Delegation of Authority To Issue Decisions on Benefits Claims	03/05/2002	Withdrawn
2900-AK20	Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service	03/04/2002	Withdrawn
2900-AK22	Change of Law—Effect on Benefits	03/05/2002	Withdrawn
2900-AK24	Testimony in Support of Benefit Claims	03/05/2002	Withdrawn
2900-AK26	Acceptable Evidence of Marriage, Divorce, Birth, Age, Biological Relationship, Child's Relationship, and Death	03/05/2002	Withdrawn
2900-AK27	Acceptable Evidence of Void and Annulled Marriages	03/05/2002	Withdrawn
2900-AK33	Appeal Regulations, Rules of Practice: Use of Supplemental Statement of the Case	02/13/2002	Withdrawn
2900-AK35	Acceptable Evidence of Termination of Marital Relationship or Conduct	03/05/2002	Withdrawn
2900-AK49	Acceptable Evidence of Unexplained Absence for 7 Years	03/05/2002	Withdrawn
2900-AK59	Validity of Enlistments	03/05/2002	Withdrawn
2900-AK60	Computation of Service	03/05/2002	Withdrawn
2900-AK70	Acceptable Evidence of Change in Status or Number of Dependents	03/05/2002	Withdrawn
2900-AK82	Mandatory Disclosure of Social Security Number	03/05/2002	Withdrawn
2900-AK83	Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War	03/05/2002	Withdrawn
2900-AK93	Conditional Discharge	03/05/2002	Withdrawn
2900-AL03	Evidence Requirements for Service and Character of Discharge	03/05/2002	Withdrawn
2900-AL07	Veterans Education: Streamlining Approval of Courses	03/04/2002	Withdrawn

Department of Veterans Affairs (VA)

Prerule Stage

**VETERANS BENEFITS
ADMINISTRATION****2659. • LOAN GUARANTY:
AVAILABILITY OF VENDEE
FINANCING FOR VA-ACQUIRED
PROPERTIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 36**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) is requesting comments

concerning whether VA should discontinue offering vendee (direct) loan financing on the sale of single-family residential real property VA acquires following the foreclosure of guaranteed and direct home loans made to veterans. VA wants to determine the impact that such action would have on real estate professionals, inventors, lenders, and the public.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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Email: lgyrfinn@vba.va.gov

RIN: 2900-AL16

Department of Veterans Affairs (VA)

Proposed Rule Stage

**VETERANS HEALTH
ADMINISTRATION****2660. WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1722A; PL 106-117**CFR Citation:** 38 CFR 17.105**Legal Deadline:** None

Abstract: The purpose of this document is to provide regulations to formally establish the waiver process for veterans' copayments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None

Agency Contact: Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK29**Legal Deadline:** None

Abstract: Pursuant to the Veteran's Health Care Eligibility Reform Act of 1996, VA implemented a national enrollment system to manage the delivery of VA hospital and outpatient care. Veterans are eligible to be enrolled based on the Secretary's determination concerning which of the seven priority categories of veterans to enroll. Section 112 of Public Law No. 106-117, the Veteran's Millennium Health Care and Benefits Act, amended the priority categories to include veterans awarded the Purple Heart in priority category three. Public Law No. 107-135, the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001, requires the Secretary to amend Priority Group 7 and establish Priority Group 8. To be enrolled in Priority Group 7, a veteran's family income must be above a means test category 5 veteran, but below the family income criteria used by Housing and Urban Development for low-income housing. A veteran can be enrolled into Priority Group 8 if the veteran is required to complete a means test and the veteran's income and assets are above the Housing and Urban Development low-income criteria. Accordingly, we intend to change our medical care regulation at 38 CFR 17.35 to reflect these changes. We further propose to amend the regulations by removing "Chief Network Officer" wherever it appears and adding in its place "Assistant Deputy Under Secretary for Health." VA's disenrollment requirements set forth under 38 CFR 17.36(d)(4)(iii) to allow priority category 5 veterans enrolled in

this category based on their annual income information to remain enrolled. Currently, under 38 CFR 17.36(d)(4)(iii), a veteran enrolled under paragraphs (d)(2) and (d)(3) will be disenrolled if a VA network or facility director, or the Chief Network Officer, determines that a veteran has been enrolled based on inclusion in priority category 5, the veteran was sent by mail a VA Form 10-10EZ, and the veteran failed to return the completed form to the address on the return envelope within 60 days from receipt of the form. We propose to continue their enrollment by changing their enrollment priority group to Priority Group 6 for conditions relating to exposure to Agent Orange, Ionizing Radiation, or Gulf War contaminants or to Priority Group 8.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK38**2661. ENROLLMENT PRIORITY
CATEGORY STATUS CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; PL 106-117**CFR Citation:** 38 CFR 17.36

VA

Proposed Rule Stage

2662. LOAN GUARANTY: MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3772**CFR Citation:** 38 CFR 17.1000 to 17.1020**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs proposes to amend its medical regulations to add comprehensive regulations to implement the pilot program for guaranteed loans for multifamily transitional housing projects for homeless veterans.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Theresa Hayes, Program Manager (116E), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8445**RIN:** 2900-AK58**2663. ENROLLMENT—PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1705; PL 104-262**CFR Citation:** 38 CFR 17**Legal Deadline:** None**Abstract:** VA has established a national enrollment system to manage the delivery of health care services. Veterans are eligible to be enrolled based on seven categories of priority. This document announces that VA will enroll all seven priority categories of veterans for the period October 1, 2001 through September 30, 2002.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Amy Hertz, Program Analyst, Office of Policy and Planning (105), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8412

RIN: 2900-AK92**2664. PAYMENT FOR NON-VA MEDICAL SERVICES AND INPATIENT CARE PROVIDED AT NON-VA FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 17**Legal Deadline:** None**Abstract:** This document proposes to amend the Department of Veterans Affairs (VA) medical regulations to establish a payment methodology for inpatient care and outpatient medical services provided to eligible VA beneficiaries at non-VA facilities. It is proposed that when there is an amount already calculated under the Medicare Payment Systems for services, VA would pay the lesser of the actual billed charge, an amount negotiated with the provider or the provider's agent, or the calculated amount. It appears that the adoption of the proposal would help ensure that amounts paid for these services would better reflect the resource inputs used to furnish a service and better reflect the true value of services. Further, it is proposed that the regulations would continue to require that VA payment constitute payment in full. In our view, this is required by statute.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rex Gilmore, Health Administration Service (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8307

RIN: 2900-AK94**2665. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None**Abstract:** This document amends the Department of Veterans Affairs (VA) medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to veterans for nonservice-connected disabilities. This document amends the regulations to revise the charge structure and update other provisions for the purpose of providing more precise charges.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8210
Fax: 202 273-4897**Related RIN:** Related To 2900-AJ30, Related To 2900-AK39, Related To 2900-AK73, Related To 2900-AL05**RIN:** 2900-AL06**2666. • FISHER HOUSES AND OTHER TEMPORARY LODGING****Priority:** Other Significant**Legal Authority:** PL 106-414, sec 221**CFR Citation:** 38 CFR 60 (New)**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) proposes to establish requirements regarding the use of Fisher Houses and other temporary lodging by veterans receiving VA medical care or Compensation and Pension (C&P) examinations and by family members or other persons accompanying veterans to provide the equivalent of familial support. This is necessary to implement provisions of the Veterans Benefits and Health Care Improvement Act of 2000.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21191
NPRM Comment Period End	07/01/02	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jill E. Manske, Director, Social Work Service (110B), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AL13**VETERANS BENEFITS ADMINISTRATION****2667. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the orthopedic system.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AE91**2668. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the neurological system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	
NPRM	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AF23**2669. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.114**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the digestive system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	
NPRM	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AF24**2670. EVIDENCE ON FILE AT DATE OF DEATH****Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.1000**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations dealing with accrued benefits, those benefits to which an individual was entitled under existing ratings or decisions, or those based on "evidence in the file at date of death" which were due and unpaid at the time the individual died. "Evidence in the file at date of death" would be interpreted as evidence in VA's possession on or before the date of the beneficiary's death, even if such evidence was not physically located in VA claims folder on or before the date of death. Further, "evidence necessary to complete the application" for accrued benefits would be interpreted as information necessary to establish that the claimant is with the category of eligible persons and that circumstances exist which make the claimant the specific person entitled to the accrued benefits. These amendments reflect our interpretation of the governing statute.

Timetable:

Action	Date	FR Cite
NPRM	03/04/02	67 FR 9638
NPRM Comment Period End	05/03/02	
Final Rule	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

VA

Proposed Rule Stage

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 RIN: 2900-AH42

2671. SCHEDULE FOR RATING DISABILITY: THE SPINE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71a

Legal Deadline: None

Abstract: This amendment will contain additions, deletions, and revisions of terminology pertaining to spinal disabilities based on a systematic review of the medical criteria used to evaluate disabilities of the spine.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AJ60

2672. EDUCATION PROVISIONS OF THE VETERANS PROGRAMS ENHANCEMENT ACT OF 1998

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101

CFR Citation: 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262

Legal Deadline: None

Abstract: This rule will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998. This will include revising the calculation of the reporting fee paid to educational institutions; making advance payments to work-study students optional rather than mandatory; and revising the approval criteria for on-job training programs offered by the Federal

Government or by State or local governments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AJ68

2673. DEFINITION OF PSYCHOSIS FOR CERTAIN VA PURPOSES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.384

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AK21

2674. NATIONAL SERVICE LIFE INSURANCE—PLAIN ENGLISH REVISION

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 38 USC 1901 to 1929; 38 USC 1981 to 1988

CFR Citation: 38 CFR 8.0; 38 CFR 8.1

Legal Deadline: None

Abstract: This document proposes to amend 38 CFR 8.0 and 8.1 by revising the text into a different format to promote better communication to policyholders and program administrators. This amendment is written in conjunction with VA's plain English (Reader Focused Writing) initiative.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George Poole, Chief, Program Administration and Oversight Staff (Insurance Service), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101

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Email: issgpool@vba.va.gov

RIN: 2900-AK43

2675. ADDITIONAL DISABILITY OR DEATH DUE TO HOSPITAL CARE, MEDICAL OR SURGICAL TREATMENT, EXAMINATION, TRAINING AND REHABILITATION SERVICES, OR COMPENSATED WORK THERAPY PROGRAM

Priority: Other Significant

Legal Authority: 38 USC 1151

CFR Citation: 38 CFR 3.358; 38 CFR 3.800

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death caused by VA hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy (CWT) program.

Under the proposed amendment, benefits will be payable for additional disability or death caused by hospital care, medical or surgical treatment, or examination only if VA is at fault or "an event not reasonably foreseeable" proximately caused the disability or

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death. Benefits will also be payable for additional disability or death proximately caused by VA's provision of training and rehabilitation services or CWT program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 575 N Pennsylvania Street, Indianapolis, IN 46204

Phone: 317 226-5209

RIN: 2900-AK77

2676. VETERANS AND DEPENDENTS EDUCATION: TOPPING UP TUITION ASSISTANCE AND PAYMENT FOR LICENSING AND CERTIFICATION TESTS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3014; 38 USC 3015; 38 USC 3032; 38 USC 3232; 38 USC 3452; 38 USC 3482; 38 USC 3501**CFR Citation:** 38 CFR 21.4008 to 21.4009; 38 CFR 21.4146; 38 CFR 21.4150 to 21.4152; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4209 to 21.4212; 38 CFR 21.4216; 38 CFR 21.4230; 38 CFR 21.4234**Legal Deadline:** None

Abstract: The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 contains a provision that permits a service member to receive Montgomery GI Bill—Active Duty benefits for the difference between the service member's tuition and the portion of the tuition paid under 10 U.S.C. 2007. Appropriate regulations will be added to implement this provision of law.

The Veterans Benefits and Health Care Improvement Act provides that veterans and eligible persons may receive educational assistance to cover the cost of the tests needed to obtain an occupational license or certification. This improved benefit is available under the Post-Vietnam Era Veterans Educational Assistance Program, the Montgomery GI Bill—Active Duty and

the Survivors' and Dependents' Educational Assistance Program. Regulations are needed to allow VA to properly implement this new benefit.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AK80

2677. VETERANS EDUCATION: ADDITIONAL OPPORTUNITY TO PARTICIPATE IN THE MONTGOMERY GI BILL AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3011 to 3012; 38 USC 3015; 38 USC 3018C; 38 USC 3080; 38 USC 16132**CFR Citation:** 38 CFR 21.4138; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7136; 38 CFR 21.7540**Legal Deadline:** None

Abstract: The Veterans Benefits and Health Care Improvement Act of 2000 affects the Montgomery GI Bill—Active Duty and the Montgomery GI Bill—Selected Reserve. These include providing an opportunity for some service members to participate in the Montgomery GI Bill—Active Duty; repealing the requirement that only the initial period of active duty be considered in determining eligibility for the Montgomery GI Bill—Active Duty; increasing the Montgomery GI Bill—Active Duty for those who contribute additional money; and changing the rules for determining when benefits may be paid during the interval between terms. The regulations governing Montgomery GI Bill will be revised accordingly.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK81

2678. • SCHEDULE FOR RATING DISABILITIES; EVALUATION OF TINNITUS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.87 (Diagnostic Code 6260)**Legal Deadline:** None

Abstract: Current schedule does not explain how to evaluate tinnitus that is bilateral. This would direct that a single evaluation be assigned for bilateral or unilateral tinnitus or tinnitus that is perceived somewhere in the head. It also directs that objective tinnitus (which is audible and has a defined cause) be evaluated as part of the underlying condition causing it. There are no costs associated with this regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** RIN 2900-AK86 withdrawn

Agency Contact: Carol Brine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AK86

VA

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2679. TIME LIMIT FOR REQUEST FOR DE NOVO REVIEW**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5109(a); 38 USC 7105(a)**CFR Citation:** 38 CFR 3.2600**Legal Deadline:** None

Abstract: We are amending our regulations concerning the time a claimant has in which to request a de novo review of their claim at the Veterans Service Center level. (This would reduce the time from the current 60 days to 15 days.) We believe this amendment will reduce unnecessary delays in the appeals process and will not adversely affect claimants.

Timetable:

Action	Date	FR Cite
NPRM	03/11/02	67 FR 10866
NPRM Comment Period End	05/10/02	
Final Rule	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Email: capbruss@vba.va.gov

RIN: 2900-AK97**2680. ● ACCELERATED PAYMENTS UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3013, 3014A; 38 USC 3034; 38 USC 3452; 38 USC 3501; 38 USC 3684**CFR Citation:** 38 CFR 21.4000; 38 CFR 21.7020; 38 CFR 21.7076; 38 CFR 21.7140; 38 CFR 21.7142**Legal Deadline:** None

Abstract: This document amends the education regulations governing various aspects of the educational assistance programs the Department of Veterans Affairs administers in order to implement some of the provisions of the Veterans Education and Benefits Expansion Act of 2001. These

provisions include accelerated payments to individuals under the Montgomery GI Bill—Active Duty program who are enrolled in approved training programs that lead to employment in high tech industries and whose charged tuition and fees exceed an amount equal to 200 percent of the monthly basic rate of educational assistance otherwise payable. This document also amends the regulation defining educational institution to include certain private technology industries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Lynn M. Cossette, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7294

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Email: edulcose@vba.va.gov

RIN: 2900-AL22**2681. ● AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3100 to 3121; PL 102-568; PL 104-275; PL 106-419; PL 107-103**CFR Citation:** 38 CFR 21, subpart A**Legal Deadline:** None

Abstract: This complete revision of 38 CFR 21 (subpart A) implements changes to the chapter 31 Vocational Rehabilitation and Employment Program. Substantive changes are required under the several public laws that this revision implements. This revision also implements a number of decisions by the U.S. Court of Appeals for Veterans Claims. The following changes are representative of the changes proposed: Authorizes increases in subsistence allowance; extends eligibility for vocational rehabilitation and employment to veterans with 10 percent service-connected conditions under certain circumstances; amends chapter 31 entitlement criteria; redefines employment handicap and serious employment handicap; changes

requirements for an independent living program; requires veterans who complete training to actively participate in a job search to receive an employment adjustment allowance; prohibits benefits to fugitive felons; authorizes extensions of the period of chapter 31 eligibility and restoration of entitlement used by certain reservists recalled to active duty; and increases the limit on the number of new entrants into an independent living program in a fiscal year. This revision streamlines administrative procedures and clarifies the intent of the governing sections of title 38, United States Code. In addition, this revision also implements regulatory reform and plain-language English.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Dr. Charles Albert Graffam, Consultant (282), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7437

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Email: vrecgraf@vba.va.gov

Related RIN: Merged With 2900-AG00**RIN:** 2900-AL24**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****2682. UNIVERSAL PRODUCT NUMBERS (UPNS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 811; 48 CFR 852**Legal Deadline:** None

Abstract: This rulemaking action would provide new contract clauses whereby Department of Veterans Affairs contracting officers could require contractors to furnish products marked at the case, box, and unit of use levels with Universal Product Numbers (UPNs) for scanning using bar code readers.

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Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

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Email: donald.kaliher@mail.va.gov

RIN: 2900-AJ45
2683. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE
Priority: Info./Admin./Other**Legal Authority:** 38 USC 501; 48 USC 486(c)**CFR Citation:** 38 CFR 8**Legal Deadline:** None

Abstract: This rulemaking action would amend the Department of Veterans Affairs acquisition regulation to update position titles, to remove obsolete or duplicative material, to delegate authority, and to make plain language revisions to the text. In addition, the rule would update material to correspond to the requirements of the Federal Acquisition Regulation (FAR) and would provide agency procedures for compliance with FAR requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK78**BOARD OF VETERANS APPEALS**
2684. BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—APPEAL WITHDRAWAL
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7105(b)(2)**CFR Citation:** 38 CFR 20.204**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals is removing a restriction in its Rules of Practice (Rule of Practice 204; 38 CFR 20.204) that bars an appellant's representative from withdrawing a Notice of Disagreement or a Substantive Appeal that the appellant filed personally without the appellant's written consent. VA believes that the restriction, adopted in the early 1960s, is an outdated and unnecessary intrusion into the relationship between appellants and their representatives, which creates needless delay through unnecessary procedural complexity.

Timetable:

Action	Date	FR Cite
NPRM	02/01/02	67 FR 4939
NPRM Comment Period End	04/02/02	
Final Rule	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 565-5978

RIN: 2900-AK71
2685. BOARD OF VETERANS' APPEALS: SPEEDING APPELLATE REVIEW FOR AGING VETERANS
Priority: Other Significant**Legal Authority:** 38 USC 501(a); 38 USC 7107**CFR Citation:** 38 CFR 20.900(c)**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals may advance a case on its docket for earlier consideration for "sufficient cause shown," 38 U.S.C. section 7107(a)(2). This regulation will

expand the regulatory definition of "sufficient cause" in the Board's Rules of Practice to include advanced age. This will permit the Board, on motion, to expedite consideration of appeals from veterans and dependents, age 75 or more, who may be nearing the end of their life expectancy. There is now a sizable cohort of veterans of advanced age, particularly surviving combat veterans from World War II and the Korean War. No other alternatives are available. This amendment will not entail any risks or costs to the public or to the Government other than the costs normally associated with drafting, Agency review, and publication.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman, Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 565-5978

RIN: 2900-AL08**NATIONAL CEMETERY SYSTEM**
2686. STATE CEMETERY GRANTS: AID TO STATES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS CEMETERIES
Priority: Other Significant**Legal Authority:** 38 USC 2408**CFR Citation:** 38 CFR 39.1; 38 CFR 39.2; 38 CFR 39.3; 38 CFR 39.7; 38 CFR 39.8; 38 CFR 39.9 (New)**Legal Deadline:** None

Abstract: The proposed rule revises 38 CFR part 39 to amend Department of Veterans Affairs (VA) regulations for the State Cemetery Grants Program to implement and update information on program requirements and the application process for participants. The amendment formalizes new standards and provides guidance on how States may obtain funding for grants to expand, establish, or improve State veterans cemeteries. The rule will be published as proposed in the

VA

Proposed Rule Stage

Federal Register to provide information to the public on how to apply for Federal funding for State veterans cemeteries. A 60-day public comment period will be provided. It is subject to the requirements of the Administrative Procedures Act and E.O. 12866 because the rule is an interpretation of statute. The proposed rule will not have a significant economic impact on a substantial number of small entities; only those States that apply for funding may be direct beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Karen Barber, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov

RIN: 2900-AH46

2687. ELIGIBILITY FOR BURIAL OF DEPENDENT ADULT CHILDREN OF ELIGIBLE VETERANS; AND ELIGIBILITY FOR BURIAL OF CERTAIN FILIPINO VETERANS

Priority: Other Significant

Legal Authority: 38 USC 2402(5); PL 106-419

CFR Citation: 38 CFR 1.620(c)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend regulations to specify that the eligibility of veterans' adult children for burial in a national cemetery is only for those who have become permanently incapable of self support before attaining the age of 21 years due to a physical or mental disability. Current regulations do not clearly express this requirement. It also proposes to amend regulations to specify that the eligibility of certain Filipino veterans will be eligible for burial in a National Cemetery. Certain Filipino veterans of WWII, to include Commonwealth Army veterans and veterans of Recognized Guerilla Forces, may be eligible if the veteran was a permanent resident of the U.S. and met other enabling conditions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen Barber, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov

RIN: 2900-AI95

OFFICE OF FINANCIAL MANAGEMENT

2688. STANDARDS FOR COLLECTION, COMPROMISE, SUSPENSION, OR TERMINATION OF COLLECTION EFFORT; REGIONAL OFFICE COMMITTEE ON WAIVER AND COMPROMISES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3700 et seq; 38 USC 501; 38 USC 5302; 38 USC 5314; 38 USC 5315

CFR Citation: 31 CFR 900 to 904; 38 CFR 1.900 to 1.970

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to revise its current regulations on debt collection by eliminating some and cross-referencing the remainder to the revised DOJ/Treasury Governmentwide Federal Claims Collection Standards (31 CFR parts 900 to 904). These regulations will also be updated to comply with the Debt Collection Improvement Act of 1996. In addition, VA also proposes to amend regulations pertaining to the administration of our Regional Office Committees on Waivers and Compromises.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter T. Mulhern, Office of Finance (047GC1), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5570
TDD Phone: 202 273 6574

RIN: 2900-AK10

OFFICE OF POLICY AND PLANNING

2689. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS; GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 75; 38 USC 501; PL 98-502

CFR Citation: 38 CFR 41; 38 CFR 49

Legal Deadline: None

Abstract: This document proposes to amend part 41 of VA's regulations to add new subparts to codify revised OMB Circular A-133. The Circular provides standards for consistency and uniformity among Federal agencies for the audits of States, local governments, and nonprofit organizations expending Federal awards. Further, this amendment proposes to add a new part 49 to VA's regulations to bring VA in step with other Federal agencies who have already adopted OMB Circular A-110 as a common rule. The Circular provides for uniform administrative requirements for Federal agencies with grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: Judith Jamison, Office of Policy and Planning (008), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5117

RIN: 2900-AJ62

Department of Veterans Affairs (VA)

Final Rule Stage

**VETERANS HEALTH
ADMINISTRATION****2690. PROVISION OF DRUGS AND
MEDICINES PRESCRIBED BY NON-VA
PHYSICIANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

Abstract: This document amends the "Medical" regulations concerning the criteria for provision of drugs and medicines by non-VA physicians for certain veterans. It is our view that the statutory framework inherently requires that the drugs provided be suitable; i.e., FDA-approved, high quality, and best value. In this regard, we have established a list of suitable drugs and medicines in the VA national formulary. Also, we have established a mechanism for allowing the provision of drugs and medicines not listed in the formulary. These changes are needed to ensure that VA provides only those drugs and medicines intended to be provided under the statutory authority. Also, this document makes nonsubstantive changes for the purpose of avoiding unnecessary duplication.

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None

Agency Contact: Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8428

RIN: 2900-AJ24**2691. ADVANCED HEALTH CARE
PLANNING****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None

Abstract: This document amends the VA medical regulations to codify VA policy regarding advanced health care

planning. The rule sets forth a mechanism for the use of written advance directives; i.e., a VA living will, a VA durable power of attorney for health care, and a State-authorized advance directive. The rule also sets forth a mechanism for honoring verbal or nonverbal instructions from a patient when the patient is admitted to care when critically ill and loss of capacity may be imminent and the patient is not physically able to sign an advance directive form or the appropriate form is not readily available. This is intended to help ensure that VA acts in compliance with patients' wishes concerning future health care.

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58677
NPRM Comment Period End	01/04/99	
Final Action	09/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ellen Fox M.D., Director, National Center for Ethics (10AE), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6926

RIN: 2900-AJ28**2692. PROVISION OF DRUGS AND
MEDICINES TO CERTAIN VETERANS
IN STATE NURSING HOMES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs medical regulations concerning the provision of drugs and medicines prescribed by non-VA physicians for certain veterans who are permanently housebound or in need of regular aid and attendance. The regulations are amended to allow prescriptions to be filled by non-VA pharmacies in State homes under contract with VA for filling prescriptions for patients in State homes. This is consistent with VA's special relationship with State homes. It will eliminate duplication in services

and will help improve timeliness for filling prescriptions in State homes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/98	63 FR 37779
Interim Final Rule Effective	07/14/98	
Interim Final Rule Comment Period End	09/14/98	
Final Action	06/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8428

RIN: 2900-AJ34**2693. GRANTS TO STATES FOR
CONSTRUCTION AND ACQUISITION
OF STATE HOME FACILITIES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.216; 38 CFR 17.222**Legal Deadline:** None

Abstract: This rule amends the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. This rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding State home grants for construction, acquisition, or renovation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule Comment Period End	08/27/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** State

Agency Contact: Frank Salvas, Geriatrics and Extended Care (114),

VA

Final Rule Stage

Department of Veterans Affairs,
Veterans Health Administration, 810
Vermont Avenue NW, Washington, DC
20420
Phone: 202 273-8536
RIN: 2900-AJ43

2694. PAYMENT OR REIMBURSEMENT FOR EMERGENCY TREATMENT FURNISHED AT NON-VA FACILITIES

Priority: Economically Significant.
Major under 5 USC 801.

Legal Authority: 38 USC 501; 38 USC 1725; PL 106-117

CFR Citation: 38 CFR 17

Legal Deadline: NPRM, Statutory, May 22, 2000, 180 days after effective date of PL 106-117.

Abstract: This document amends the Department of Veterans Affairs medical regulations by establishing a mechanism for payment or reimbursement for certain non-VA emergency services furnished to veterans for nonservice-connected conditions. This amendment is necessary to implement provisions of "The Veterans Millennium Health Care and Benefits Act."

Statement of Need: Public Law No. 106-117 "The Veterans Millennium Health Care and Benefits Act" requires this amendment to implement its provisions.

Summary of Legal Basis: 38 U.S.C. 1725 authorizes VA to establish provisions for payment or reimbursement for certain non-VA emergency services furnished to Veterans for nonservice-connected conditions.

Alternatives: The alternatives that the Department had to consider are the amount of reimbursement and the location where claimants can file a claim.

Anticipated Cost and Benefits: Cost projection for FY 2001 is \$66 to \$75 million. The FY 2003 budget, in accordance with section 1725 of title 38, will provide an updated estimate of the full year impact of this legislation expected to be incurred in FY 2003.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/12/01	66 FR 36467

Action	Date	FR Cite
Interim Final Rule Effective	05/29/00	
Interim Final Rule Effective (38 CFR 17.004)	07/19/01	
Interim Final Rule Comment Period End (Information Collection)	07/19/01	
Interim Final Rule Comment Period End	09/10/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK08

2695. MEDICAL BENEFITS PACKAGE; COPAYMENTS FOR EXTENDED CARE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1710; PL 106-117

CFR Citation: 38 CFR 17.36; 38 CFR 17.38; 38 CFR 17.111

Legal Deadline: None

Abstract: This document proposes to amend VA's medical regulations by adding the following extended care services to the medical benefits package: Noninstitutional adult day health care, noninstitutional geriatric evaluation, and noninstitutional respite care. Also, we propose to amend VA's medical regulations to establish provisions regarding copayments for extended care services. These actions would implement provisions of the Veterans Millennium Health Care and Benefits Act.

Timetable:

Action	Date	FR Cite
NPRM	10/04/01	66 FR 50594
NPRM Comment Period End	12/03/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Email: nancy.howard@hq.med.va.gov

RIN: 2900-AK32

2696. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Other Significant

Legal Authority: 38 USC 501; 38 USC 1721; 38 USC 1729

CFR Citation: 38 CFR 17.101

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran: For a non-service-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract; for a non-service-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or for a non-service-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance. This document amends the regulations to update data bases and other provisions for the purpose of providing more precise charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/00	65 FR 65906
Interim Final Rule Comment Period End	01/02/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health

VA

Final Rule Stage

Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-8210
Fax: 202 273-4897

Related RIN: Related To 2900-AJ30,
Related To 2900-AK73, Related To
2900-AL05, Related To 2900-AL06

RIN: 2900-AK39

2697. COPAYMENTS FOR INPATIENT HOSPITAL CARE AND OUTPATIENT MEDICAL CARE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1710; PL 106-117

CFR Citation: 38 CFR 17.108; 38 CFR 17.110

Legal Deadline: None

Abstract: This document amends VA's medical regulations to set forth a mechanism for determining copayments for inpatient hospital care, outpatient medical care. This document is necessary to implement provisions of the Veterans Millennium Health Care and Benefits Act and to set forth our statutory interpretations regarding application of the copayment requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/06/01	66 FR 63446
Interim Final Rule Comment Period End	02/04/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK50

2698. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721; 38 USC 1729

CFR Citation: 38 CFR 17.101

Legal Deadline: None

Abstract: This document amends VA's medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran for nonservice-connected disabilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/01	66 FR 23326
Interim Final Rule Comment Period End	07/09/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Cleaver, VHA
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Veterans Affairs, Veterans Health
Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-8210
Fax: 202 273-4897

Related RIN: Related To 2900-AJ30,
Related To 2900-AK39, Related To
2900-AL05, Related To 2900-AL06

RIN: 2900-AK73

2699. HEALTH CARE FOR CHILDREN BORN WITH ONE OR MORE COVERED BIRTH DEFECTS TO VIETNAM VETERANS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 1721; PL 106-419

CFR Citation: 38 CFR 17.900 to 1905

Legal Deadline: None

Abstract: The document proposed to establish regulations regarding health care benefits for women Vietnam veterans' children with covered birth defects. It would revise the current regulations regarding health care for Vietnam veterans' children suffering from spina bifida to also encompass health care for women Vietnam veterans' children with certain other birth defects. This is necessary to provide health care for such children in accordance with recently enacted legislation (Pub. L. 106-419, November 1, 2000).

Timetable:

Action	Date	FR Cite
NPRM	01/02/02	67 FR 209

Action	Date	FR Cite
NPRM Comment Period End	02/01/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan K. Schmetzer,
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RIN: 2900-AK88

2700. CIVILIAN HEALTH AND MEDICAL PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS (CHAMPVA)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398; PL 107-14; 38 USC 1713

CFR Citation: 38 CFR 17.271; 38 CFR 17.272; 38 CFR 17.274

Legal Deadline: Final, Statutory,
October 1, 2001.

Abstract: This document implements provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and the Veterans' Survivor Benefits Improvement Act of 2001. These changes extend CHAMPVA eligibility to persons age 65 and over who would have otherwise lost their CHAMPVA eligibility due to attainment of entitlement to hospital insurance benefits under Medicare Part A. This rule also implements coverage of physical examinations required in connection with school enrollment for beneficiaries through age 17 and reduces the catastrophic cap for CHAMPVA dependents and survivors for each calendar year. These regulatory changes implement the statutory provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/02	67 FR 4357
Interim Final Rule Effective	01/30/02	
Correction to Interim Final Rule	02/14/02	67 FR 6874

VA

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/01/02	67 FR 4357
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: EFFECTIVE DATES: This document was effective on January 30, 2002; except for 38 CFR 17.271(b) and 17.272(a)(31)(x) which was effective October 1, 2001, and for 38 CFR 17.274(c) which was effective January 1, 2002.

Agency Contact: Susan K. Schmetzer, Chief, Policy and Strategic Planning, Health Administration Center, Department of Veterans Affairs, 300 South Jackson Street, Denver, CO 80209
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RIN: 2900-AK89

2701. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations concerning "reasonable changes" for medical care or services provided or furnished by VA to veterans for nonservice-connected disabilities. This document amends the regulations to update data bases and other provisions for the purpose of providing more precise charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Related To 2900-AJ30, Related To 2900-AK39, Related To 2900-AK73, Related To 2900-AL06

RIN: 2900-AL05**2702. • FILIPINO VETERANS ELIGIBLE FOR HOSPITAL CARE, NURSING HOME CARE, AND MEDICAL SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1734; PL 106-377**CFR Citation:** 38 CFR 3.42; 38 CFR 17.39**Legal Deadline:** None

Abstract: This document amends VA's medical regulations to add provisions implementing statutory changes made by Public Law 106-377, the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Act, 2001, providing that certain Filipino veterans in receipt of disability compensation at the full dollar rate are eligible for hospital care, nursing home care, and medical services in the same manner as American veterans.

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 2900-AL18**VETERANS BENEFITS ADMINISTRATION****2703. SCHEDULE FOR RATING DISABILITIES—THE SKIN****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate skin conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20171
ANPRM Comment Period End	07/01/91	
NPRM	01/19/93	58 FR 4969
NPRM Comment Period End	03/22/93	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AF00**2704. REVISED DEFINITION OF NET VALUE AND REVISED CRITERIA FOR PRE-FORECLOSURE DEBT WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3720(a); 38 USC 3732(a)**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4323**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is proposing to amend its loan guaranty regulations to revise the definition of property improvements for purposes of determining the net value of a foreclosed property and to clarify VA's position on pre-foreclosure debt waivers for liable veterans in cases involving transferee defaults. These changes will account for actual property appraisal procedures and will clarify Agency policy on pre-foreclosure debt waivers. Note: Because the original Notice of Proposed Rulemaking (NPRM) was published on September 22, 1993 (58 FR 49251), VA republished the NPRM to provide for a new notice and comment period before proceeding with a final rule.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/22/93	58 FR 49251
NPRM Comment Period End	10/22/93	
Second NPRM	08/01/00	65 FR 46882
Second NPRM Comment Period End	10/02/00	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AG20

2705. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 512(a); 38 USC 1110; 38 USC 1131; 38 USC 1155; 38 USC 1502; 38 USC 1521(a)

CFR Citation: 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18

Legal Deadline: None

Abstract: This action amends the regulations in part 3 of title 38, United States Code, and in the Schedule for Rating Disabilities in part 4 to provide clear and objective standards for determining whether a veteran is entitled to a total evaluation based on his or her inability to perform substantially gainful employment due to disability.

Timetable:

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49886
NPRM Comment Period End	11/30/01	
Final Action	07/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B),

Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AH21**2706. VISION****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

Abstract: This action will amend the vision portion of the rating schedule to provide current medical terminology, clarify ambiguous evaluation criteria, and add medical conditions not presently in the rating schedule.

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	07/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AH43

2707. INTERVERTEBRAL DISC SYNDROME

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None

Abstract: This action ensures that veterans diagnosed with intervertebral disc syndrome meet uniform criteria and receive consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	02/24/97	62 FR 8204
NPRM Comment Period End	04/25/97	
Final Action	07/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AI22

2708. ANKYLOSIS AND LIMITATION OF MOTION OF DIGITS OF THE HANDS

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71a**Legal Deadline:** None

Abstract: This document revises the evaluation criteria for ankylosis and limitation of motion of the fingers to ensure that veterans diagnosed with these conditions receive consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	11/02/01	66 FR 55614
NPRM Comment Period End	01/02/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AI44

2709. EXCLUSIONS FROM INCOME

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 10602(c)

CFR Citation: 38 CFR 3.261; 38 CFR 3.262; 38 CFR 3.272

Legal Deadline: None

Abstract: To exclude from countable income for VA purposes amounts received under the Victims of Crime Act of 1984.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Beth McCoy, Consultant, Regulations Staff (211A), Department of Veterans Affairs, 575 N. Pennsylvania St., Indianapolis, IN 46204

Phone: 317 226-5209

RIN: 2900-AJ52

2710. ACCELERATED BENEFITS OPTION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE
Priority: Substantive, Nonsignificant**Legal Authority:** PL 105-368, sec 302; PL 107-14; 38 USC 1965; 38 USC 1967**CFR Citation:** 38 CFR 9.1(b); 38 CFR 9.14**Legal Deadline:** None

Abstract: Section 302 of the Veterans Program Enhancement Act of 1998 (Pub. L. 105-368) authorizes the payment of accelerated benefits in the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs, effective February 9, 1999. This rule amends Department of Veterans Affairs (VA) regulations by providing an accelerated benefit option that will permit terminally ill members access to life insurance benefits before they die. Further, this document also reflects a change in the address for submitting an application for accelerated benefits.

Timetable:

Action	Date	FR Cite
NPRM	07/20/00	65 FR 44999
NPRM Comment Period End	08/18/00	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101

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RIN: 2900-AJ80

2711. STATE DEPARTMENT AS AGENT OF DEPARTMENT OF VETERANS AFFAIRS
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5106**CFR Citation:** 38 CFR 3; 38 CFR 3.108**Legal Deadline:** None

Abstract: This document reorganizes and rewrites in "plain language" the regulation that identifies the State Department as an agent of the Department of Veterans Affairs for purposes of accepting, developing, and assisting with claims and evidence. It incorporates a provision in the adjudication procedures manual regarding services offered by the Department of State.

Timetable:

Action	Date	FR Cite
NPRM	08/22/01	66 FR 44095
NPRM Comment Period End	10/22/01	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AK03

2712. FINALITY OF DECISIONS
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 502; 38 USC 511; 38 USC 5104; 38 USC 5109A; 38 USC 5112(b)(6)**CFR Citation:** 38 CFR 3.104**Legal Deadline:** None

Abstract: This amendment informs claimants in "plain language" when a VA decision is final, how a decision by one VA office affects other VA offices, and under what circumstances a VA decision may be changed.

Timetable:

Action	Date	FR Cite
NPRM	10/23/01	66 FR 53565
NPRM Comment Period End	12/24/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AK18

2713. RENOUNCEMENT OF BENEFITS
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 5306**CFR Citation:** 38 CFR 3.106**Legal Deadline:** None

Abstract: This revision explains in "plain language" who has the right to renounce benefits, how to renounce benefits, and what renouncement means to a claimant. It discusses effective dates for the termination of renounced benefits, as well as the right to reapply for benefits that have been renounced. A substantive change in the effective date of a renouncement is proposed to cover the renouncement of benefits when an award is already in suspense.

Timetable:

Action	Date	FR Cite
NPRM	09/24/01	66 FR 48845
NPRM Comment Period End	11/23/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AK23

VA

Final Rule Stage

2714. INDEPENDENT MEDICAL OPINIONS**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5109; 38 USC 5701(b)(1); 38 USC 52a(f)(3)**CFR Citation:** 38 CFR 3.328**Legal Deadline:** None

Abstract: This amendment is a plain language restatement of the existing regulation dealing with independent medical opinions that may be requested to resolve complex or controversial medical issues that may arise in a claim for veterans' benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/07/01	66 FR 64174
NPRM Comment Period End	02/11/02	
Final Rule	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7228
Fax: 202 275-4800
Email: capbwhit@vba.va.gov

RIN: 2900-AK31**2715. EVIDENCE FROM FOREIGN COUNTRIES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5712**CFR Citation:** 38 CFR 3.202**Legal Deadline:** None

Abstract: This is a plain language restatement of the adjudication regulation dealing with the authentication requirements for evidence given under oath before an official in a foreign country.

Timetable:

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53139
NPRM Comment Period End	12/18/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7210

RIN: 2900-AK37**2716. VETERANS VOCATIONAL REHABILITATION AND EDUCATION: TITLE CHANGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 512**CFR Citation:** 38 CFR 21.50; 38 CFR 21.53; 38 CFR 21.60; 38 CFR 21.68; 38 CFR 21.4250; ...**Legal Deadline:** None

Abstract: VA administers a vocational rehabilitation program that provides eligible veterans with compensable service-connected disabilities, all service and assistance necessary to enable them to achieve maximum independence in daily living, and to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. Due to an increased emphasis on helping these veterans obtain and maintain suitable employment, VA has decided to change the title of those employees who deal principally with this program. All appropriate rules will be changed to show that these employees deal with vocational rehabilitation and employment.

Timetable:

Action	Date	FR Cite
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: Additional CFR Citations: 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.155

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7187
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RIN: 2900-AK46**2717. FILIPINO VETERANS BENEFIT IMPROVEMENTS****Priority:** Other Significant**Legal Authority:** 38 USC 107**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations to reflect changes made by the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2001, which changed the rate of compensation payments to certain Filipino veterans residing in the U.S., and the Veterans Benefits and Health Care Improvement Act of 2000, which changed the amount of the burial benefit paid to the survivors of certain Filipino veterans who were residing in the U.S. at the time of their deaths.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763
Interim Final Rule Effective	12/27/01	
Interim Final Rule Comment Period End	02/25/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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Fax: 202 275-1728
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RIN: 2900-AK65**2718. MONETARY ALLOWANCES FOR CERTAIN CHILDREN OF VIETNAM VETERANS; IDENTIFICATION OF COVERED BIRTH DEFECTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1805(b)(3); 38 USC 1812; 38 USC 1815; 38 USC 5110(n); 38 USC 5312(c)(1)

VA

Final Rule Stage

CFR Citation: 38 CFR 3.27; 38 CFR 3.29; 38 CFR 3.114; 38 CFR 3.216; 38 CFR 3.261

Legal Deadline: None

Abstract: Section 401 of the Veterans Benefits and Health Care Improvement Act of 2000, Public Law 106-419, amended chapter 18 of title 38 United States Code by adding subchapter II authorizing VA to provide certain benefits, including a monthly monetary allowance, to children born with certain birth defects who are the natural children of women veterans who served in the Republic of Vietnam during the Vietnam era. This document amends existing VA adjudication regulations and adds a new section 3.815 to title 38 Code of Federal Regulations to implement this new authority. Section 1823 of title 38 United States Code specifies that receipt of this allowance shall not affect the right of the child, or the right of any individual based on the child's relationship to that individual, to receive any other benefit to which the child, or that individual, may be entitled under any law administered by VA, nor will the allowance be considered income or resources in determining eligibility for, or the amount of, benefits under any Federal or federally assisted program. We propose to amend 38 CFR 3.27, 3.29, 3.31, 3.114, 3.216, 3.261 to 263, 3.272, and 3.275 to reflect this statutory provision as it applies to VA's income-based benefit programs. The statute states that the birth defects identified may not include: A familial disorder, a birth-related injury, or a fetal or neonatal infirmity with well-established causes. The regulation will provide non-exclusive lists of included and excluded conditions for benefits. It also provides criteria to determine which of four levels of monthly monetary payment will be assigned, based on an assessment of the day-to-day functioning of affected individuals or to the extent of disfigurement of the head, face, or neck due to one or more covered birth defects or associated disabilities.

Timetable:

Action	Date	FR Cite
NPRM	01/02/02	67 FR 200
NPRM Comment Period End	02/01/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AK67

2719. LOAN GUARANTY: PRE-PURCHASE COUNSELING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 3203; 38 USC 3210; 38 USC 3220

CFR Citation: 38 CFR 36.4332

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its loan guaranty regulations to require that all first-time homebuyers seeking to obtain VA guaranteed home loans complete 3 hours of homeowners' counseling.

Timetable:

Action	Date	FR Cite
NPRM	10/11/01	66 FR 51893
NPRM Comment Period End	12/10/01	
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK76

2720. VOCATIONAL TRAINING FOR CERTAIN CHILDREN OF VIETNAM VETERANS—COVERED BIRTH DEFECTS AND SPINA BIFIDA

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 501; 38 USC 512; 38 USC 5112; PL 106-419, sec 401

CFR Citation: 38 CFR 21.8010 to 21.8410

Legal Deadline: None

Abstract: This document proposes to establish regulations regarding provision of vocational training and rehabilitation for women Vietnam veterans' children with covered birth defects. It revises the current regulations regarding vocational training and rehabilitation for Vietnam veterans' children suffering from spina bifida to also encompass vocational training and rehabilitation for women Vietnam veterans' children with certain other birth defects.

Timetable:

Action	Date	FR Cite
NPRM	01/02/02	67 FR 215
NPRM Comment Period End	02/01/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Charles Albert Graffam, Consultant (282), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK90

2721. EXTENSION OF THE PRESUMPTIVE PERIOD FOR COMPENSATION FOR GULF WAR VETERANS' UNDIAGNOSED ILLNESSES

Priority: Other Significant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.317

Legal Deadline: None

Abstract: The Department of Veterans Affairs extends the period within which undiagnosed illnesses due to service in the Gulf War Theater of Operations must become manifest to a compensable degree in order for service connection to be established, to an ending date of December 31, 2006.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/01	66 FR 56614
Interim Final Rule Effective	11/09/01	

VA

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Action	Date	FR Cite
Interim Final Rule Comment Period End	01/08/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK98**2722. INCREASE IN RATES PAYABLE UNDER THE EDUCATIONAL ASSISTANCE TEST PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2143 to 2145**CFR Citation:** 38 CFR 21.5820; 38 CFR 21.5822**Legal Deadline:** None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based on the average actual cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 2001-02 academic year should be increased by 4.7 percent over the rates payable for the 2000-01 academic year. The regulations dealing with these rates will be amended accordingly.

Timetable:

Action	Date	FR Cite
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs,

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RIN: 2900-AL02

2723. PLAIN LANGUAGE (READER FOCUSED WRITING) INITIATIVE; NATIONAL SERVICE LIFE INSURANCE (NSLI)**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1901 to 1929; 38 USC 1981 to 1988**CFR Citation:** 38 CFR 8.3 to 8.11**Legal Deadline:** None

Abstract: This rule will amend 38 CFR 8.3 through 8.32 by revising the text into a different format to promote better communication to policyholders and program administrators. This amendment is written in conjunction with VA's Plain Language (Reader Focused Writing) Initiative.

Timetable:

Action	Date	FR Cite
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101
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RIN: 2900-AL09

2724. • ADJUDICATION, FIDUCIARY ACTIVITIES**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 3; 38 CFR 14**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) regulations by making nonsubstantive changes. VA is amending its adjudication and fiduciary regulations to replace the titles of Adjudication Division, Adjudication Officer, Veterans

Services Division, Veterans Services Officer, and Chief Benefits Director with Veterans Service Center, and Veterans Service Center Manager. Other, nonsubstantive changes are also made. These changes are made for clarity and accuracy.

Timetable:

Action	Date	FR Cite
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL10**2725. • EXCEPTIONS TO DEFINITION OF DATE OF RECEIPT BASED ON SPECIAL OR UNFORESEEN CIRCUMSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5110**CFR Citation:** 38 CFR 3.1(r)**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning the definition of "date of receipt" by authorizing the Under Secretary for Benefits to establish exceptions to the general rule when special or unforeseen circumstances hinder the normal course by which VA would receive a claim, information, or evidence. The intended effect is to ensure that a significant number of claimants are not deprived of potential entitlement to benefits because of unexpected delays or impediments not caused by the claimants.

Timetable:

Action	Date	FR Cite
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Beth McCoy, Consultant, Regulations Staff (211A),

VA

Final Rule Stage

Department of Veterans Affairs, 575 N. Pennsylvania St., Indianapolis, IN 46204

Phone: 317 226-5209

RIN: 2900-AL12

2726. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3015; 38 USC 3032; 38 USC 3532; 38 USC 3686; 38 USC 3687

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3300; 38 CFR 21.3333; 38 CFR 21.7136-7137

Legal Deadline: None

Abstract: By statute, the rates of basic educational assistance under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance programs must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing these programs for fiscal year 2003 are changed to show a 3.4 percent increase in these rates. In addition, the regulations are changed to show a separate increase for both programs effective January 1, 2002, due to an increase provided for in the Veterans Education and Benefits Expansion Act of 2001, Public Law No. 107-103. Public Law No. 107-103 also provides an increase in Montgomery GI Bill—Active Duty program rates for October 1, 2003, and October 1, 2004. The regulations are amended to show these two additional statutory rate increases.

Timetable:

Action	Date	FR Cite
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Cossette, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL17

2727. • CROSS REFERENCE CHANGE IN FORMS TO BE FURNISHED

Priority: Other Significant

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 3.150

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations by updating a cross-reference listed at the end of a regulation. This amendment is necessary to ensure the regulation's cross-reference properly cites the new title of the changed regulation's subparagraph. The intended effect of this amendment is to ensure the accuracy of the cross-reference.

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL19

2728. • SERVICE CONNECTION BY PRESUMPTION OF AGGRAVATION OF A CHRONIC PREEXISTING DISEASE

Priority: Other Significant

Legal Authority: 38 USC 1112; 38 USC 1116

CFR Citation: 38 CFR 3.307; 38 CFR 3.309

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning presumptive service connection to provide for service connection for aggravation of a chronic disease which preexisted the veteran's entry into military service. The United States Court of Appeals for the Federal Circuit has concluded that the current prohibition against granting service connection for aggravation of disability that preexisted the veteran's entry into active military service is not in

accordance with the statute. This document also amends a VA adjudication regulation to conform to a recently enacted Public Law which eliminated the requirement that a Vietnam veteran must develop a disease associated with herbicide agents before the VA will presume exposure to herbicides during the veteran's service in Vietnam. This amendment is necessary to make the regulations conform with the statute.

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL20

2729. • DUTY PERIODS; INACTIVE DUTY FOR TRAINING

Priority: Other Significant

Legal Authority: 38 USC 101; 38 USC 106

CFR Citation: 38 CFR 3.6

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations regarding service connection for disabilities incurred or aggravated during inactive duty for training. This amendment is necessary to ensure the regulations accurately reflect the wording and intent of the statute.

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt, Consultant, C&P Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

VA

Final Rule Stage

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RIN: 2900-AL21

2730. • LOAN GUARANTY: IMPLEMENTATION OF PUBLIC LAW 107-103

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 2102; 38 USC 3703(a)(1) and (c)(1); 38 USC 3714(d); 38 USC 3761

CFR Citation: 38 CFR 36.4302; 38 CFR 36.4308; 38 CFR 36.4404; 38 CFR 36.4527

Legal Deadline: None

Abstract: VA is amending its loan guaranty regulations to implement certain provisions of Public Law 107-103, the Veterans Education and Benefits Expansion Act of 2001. VA proposes to incorporate into the regulations the following changes: (1) An increase in the maximum amount of entitlement from \$50,750 to \$60,000; (2) a revision of the requirements for direct housing loans to Native American veterans; (3) a revision of the loan assumption notice requirement; and (4) an increase in the amount of assistance for specially adapted housing from \$43,000 to \$48,000 for severely disabled veterans and from \$8,250 to \$9,250 for less severely disabled veterans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Anne DeSena, Assistant Director for Loan Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AL23

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2731. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES

Priority: Info./Admin./Other

Legal Authority: 38 USC 8153

CFR Citation: 48 CFR 801; 48 CFR 806; 48 CFR 812; 48 CFR 837; 48 CFR 852; 48 CFR 873

Legal Deadline: None

Abstract: VA withdrew the proposed rule concerning simplified acquisition procedures for health care resources published in the Federal Register on November 9, 1998 (63 FR 60256), and promulgated a new proposed rule concerning simplified acquisition procedures for health care resources. The new proposed rule document amends the Department of Veterans Affairs Acquisition Regulation (VAAR) to establish simplified procedures for the competitive acquisition of health care resources, consisting of commercial services or the use of medical equipment or space, pursuant to 38 U.S.C. 8151-8153. Public Law 104-262, the Veterans' Health Care Eligibility Reform Act of 1996, authorized VA to prescribe simplified procedures for the procurement of health care resources. The rule prescribes those procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60256
NPRM Comment Period End	01/08/99	
Second NPRM	06/07/01	66 FR 30659
Second NPRM Comment Period End	08/06/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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 RIN: 2900-AI71

2732. SEALED BIDDING AND COMPETITIVE PROPOSALS

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 806

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its Acquisition Regulations. Section 806.401 is amended to remove material that conflicts with the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/11/98	63 FR 11865
NPRM Comment Period End	05/11/98	
Final Action	09/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

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Related RIN: Merged With 2900-AK78

RIN: 2900-AI99

2733. CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801; 48 CFR 832; 48 CFR 836; 48 CFR 843; 48 CFR 846; 48 CFR 852

Legal Deadline: None

Abstract: This rule amends the Department of Veterans Affairs Acquisition Regulation (VAAR) to revise and update section numbers and titles, to make minor grammatical corrections and revisions, to delegate authority, and to update parts 836, Construction and Architect-Engineer Contracts, and 852, Solicitation Provisions and Contract Clauses, all to

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correspond to the Federal Acquisition Regulation (FAR). The rule would clarify how existing VAAR clauses relating to construction contracts are to be used, remove obsolete or duplicative materials, update the VAAR regarding certified cost or pricing data, and provide Agency procedures regarding disclosure of the Government cost estimate on construction contracts. The rule would also remove a "guarantee" clause from the VAAR and provide for VA contracting officers to use the FAR "warranty" clause for construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/27/01	66 FR 49331
NPRM Comment Period End	11/26/01	
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AJ56

2734. VETERANS AFFAIRS ACQUISITION REGULATION: REVISIONS TO VA ACQUISITION REGULATIONS PARTS 801 THROUGH 805

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801 to 805; 48 CFR 842; 48 CFR 849; 48 CFR 852

Legal Deadline: None

Abstract: This rulemaking action would amend the Department of Veterans Affairs Acquisition Regulation to update position titles, to make minor grammatical corrections and revisions, to revise and update section numbers and titles and to relocate material to correspond to the Federal Acquisition Regulation, to remove obsolete or duplicative material, to make plain language revisions, and to delegate authority. In addition, the rule would

update material regarding various internal VA administrative programs such as the VA's acquisition review, contracting officer's certification, and head of the contracting activity programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK75

BOARD OF VETERANS APPEALS

2735. BOARD OF VETERANS' APPEALS—RULES OF PRACTICE—ATTORNEY FEE MATTERS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5902; 38 USC 5904; 38 USC 5905

CFR Citation: 38 CFR 20.3; 38 CFR 20.609; 38 CFR 20.610

Legal Deadline: None

Abstract: The Board of Veterans Appeals is amending its rules of practice to end the practice of paying attorney fees from past-due benefits, establish safeguards in case of "disinterested third-party" payees who are individuals, and simplify certain notice procedures. These changes are necessary to permit VA to focus on activities more directly benefiting veterans and their families, i.e., deciding claims and coordinating benefit payments to veterans and their families, and to clarify the situations in which third parties may pay a claimants' legal fees.

Timetable:

Action	Date	FR Cite
NPRM	12/09/97	62 FR 64790
NPRM Comment Period End	02/09/98	
Final Action	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AI98

2736. THE BOARD OF VETERANS' APPEALS; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR: CONTENT OF RECORD; ADVANCEMENT ON THE DOCKET

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7104(d); 38 USC 7111

CFR Citation: 38 CFR 20.1403; 38 CFR 20.1405(a); 38 CFR 20.1405(b)

Legal Deadline: None

Abstract: The Board of Veterans Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures which would (1) eliminate a provision relating to "constructive notice" as to the record to be reviewed in connection with challenges to Board decisions on the grounds of clear and unmistakable error (CUE) and (2) add a provision to provide for advancing CUE motions on the docket.

Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AJ85

2737. RULES OF PRACTICE: MEDICAL OPINIONS FROM THE VETERANS HEALTH ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5107(a)

CFR Citation: 38 CFR 20.901(a)

VA

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Legal Deadline: None

Abstract: The Board of Veterans' Appeals (Board) is amending its appeals regulations to clarify that it may obtain medical opinions from VA's Veterans Health Administration (VHA). The current rule, 38 CFR 20.901(a), makes an obsolete reference to the "Chief Medical Director," a title eliminated in 1992 and replaced by "Under Secretary for Health." The revised rule would clarify that the Board may obtain opinions from VHA, not from the individual who happens to be the Under Secretary for Health.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/01	66 FR 38158
Interim Final Rule Effective	07/23/01	
Interim Final Rule Comment Period End	09/21/01	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AK52**2738. APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS APPEALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 7101(a)**CFR Citation:** 38 CFR 19.2**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals proposes to amend its appeals regulations to provide that a member of the Board of Veterans' Appeals (Board) may also be known as a "Veteran Law Judge." This duplicates, in proposed rule format, a final rule previously published in the Federal Register on September 14, 2000 (65 FR 55461). Individuals deciding appeals in other parts of the Federal Government are typically known as "judges"; e.g., "administrative law judges" and "administrative judges." Giving board members the title of "veteran law judges" would provide a more accurate

title than "member" and would enhance confidence in the system through recognition that appeals are being adjudicated by legal professionals.

Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13463
NPRM Comment Period End	05/07/01	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AK62**2739. BOARD OF VETERANS APPEALS: RULES OF PRACTICE—EFFECT OF PROCEDURAL DEFECTS IN MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7111; PL 105-111**CFR Citation:** 38 CFR 20.1404(b); 38 CFR 20.1409(b)**Legal Deadline:** None

Abstract: The Board of Veterans Appeals amends its Rules of Practice regulations to provide that, when a motion to revise a Board decision on the grounds of clear and unmistakable error fails to provide specific allegations of error, the Board will dismiss the motion without prejudice to refile. This amendment is made necessary by a decision of the United States Court of Appeals for the Federal Circuit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/10/01	66 FR 35902
Interim Final Rule Comment Period End	09/10/01	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AK74**2740. • BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—ATTORNEY FEE MATTERS; NOTICE OF DISAGREEMENT MATTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 20.609**Legal Deadline:** None

Abstract: The Board of Veterans' Appeals is amending its appeals regulations relating to attorney fees. We are removing the requirement that, in order to charge a fee, there must have been a notice of disagreement associated with the case filed on or after November 18, 1988. This change is required by section 603 of the Veterans Education and Benefits Expansion Act of 2001, Public Law No. 107-103 (December 27, 2001), which removed the referenced requirement.

Timetable:

Action	Date	FR Cite
Final Action	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AL25**NATIONAL CEMETERY SYSTEM****2741. INTERMENT OR MEMORIALIZATION IN VA NATIONAL CEMETERIES AND CERTAIN STATE CEMETERIES—FEDERAL OR STATE CAPITAL CRIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 2411; PL 105-116**CFR Citation:** 38 CFR 1; 38 CFR 39**Legal Deadline:** None

VA

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Abstract: Public Law No. 105-116, 111 Stat. 2381 (codified at 38 U.S.C. 2411) provides that, under certain circumstances, the remains of certain persons who committed Federal or State capital crimes may not be interred in a VA national cemetery and the memory of such persons may not be memorialized in a VA national cemetery. These statutory provisions also impose conditions on the receipt by a State of a VA grant to the State for veteran's cemetery regarding such interments or memorializations.

Timetable:

Action	Date	FR Cite
NPRM	07/21/00	65 FR 45332
NPRM Comment Period End	09/19/00	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Karen Barber, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AJ77

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

2742. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; HANDICAP; AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 794; 42 USC 2000d-1; 42 USC 6101

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: The Department of Justice, pursuant to Executive Order 12250, is requesting that Federal agencies with title VI, section 504, and Age Discrimination Act regulations jointly issue amendments to their regulations

to incorporate the Civil Rights Restoration Act of 1987 revisions.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tyrone Eddins, External Affairs Manager, Office of Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 501-2801
Fax: 202 501-2885

RIN: 2900-AK13

OFFICE OF THE GENERAL COUNSEL

2743. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 38 USC 5701

CFR Citation: 38 CFR 1.500 to 1.584

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a, the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the veterans' records confidentiality statute (section 5701), 38 U.S.C. 5701. The amendments will implement court decisions and executive branch guidance issued since the regulations were originally published. The amendment is part of the Administration's effort to simplify, clarify, and modernize Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/10/98	63 FR 48455

Action	Date	FR Cite
NPRM Comment Period End	11/09/98	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lorraine M. Johnson, Deputy Assistant General Counsel (024A), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6381

RIN: 2900-AH98

2744. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 38 USC 501(a); 38 USC 5901 to 5905

CFR Citation: 38 CFR 14.626 to 14.635

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to revise and clarify existing procedures and requirements regarding certification or recognition of service organizations and their representatives and other individuals, agents, and attorneys representing claimants for benefits administered by VA. The revisions are designed to improve VA's ability to assure high quality representation of claimants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/98	63 FR 59495
NPRM Comment Period End	01/04/99	
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Richard J. Hipolit, Deputy Assistant General Counsel (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6329

RIN: 2900-AI93

Department of Veterans Affairs (VA)

Long-Term Actions

**VETERANS HEALTH
ADMINISTRATION****2745. PROTECTION OF HUMAN
SUBJECTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 16**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Judy Williams

Phone: 202 273-8284

RIN: 2900-AJ08**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3099
NPRM Comment	03/25/02	
Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:**

Undetermined

Agency Contact: Robert Finneran

Phone: 202 273-7368

Fax: 202 275-3523

Email: lgyrfinn@vba.va.gov

RIN: 2900-AK16**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment	03/04/92	
Period End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AE78**VETERANS BENEFITS
ADMINISTRATION****2746. CLAIMS BASED ON
AGGRAVATION OF NONSERVICE-
CONNECTED DISABILITY****Priority:** Other Significant**CFR Citation:** 38 CFR 3.310**Timetable:**

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment	08/04/97	
Period End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Randy A. McKevitt

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Fax: 202 273-1728

Email: caprmcke@vba.va.gov

RIN: 2900-AI42**2748. RECOUPMENT OF
NONDISABILITY SEVERANCE PAY
FROM VA COMPENSATION****Priority:** Other Significant**CFR Citation:** 38 CFR 3.700**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Randy A. McKevitt

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Fax: 202 273-1728

Email: caprmcke@vba.va.gov

RIN: 2900-AK95**OFFICE OF THE ASSISTANT
SECRETARY FOR ACQUISITION AND
FACILITIES****2750. OPERATION OF CHILD CARE
CENTERS AT VA FACILITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17**Timetable:**

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment	01/26/90	
Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Renee Bruce

Phone: 410 605-7388

RIN: 2900-AD48**2747. GOVERNMENTWIDE
DEBARMENT AND SUSPENSION
(NONPROCUREMENT) AND
REQUIREMENT FOR DRUG-FREE
WORKPLACE (ASSISTANCE)****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 44; 38 CFR 48
(New)**BOARD OF VETERANS APPEALS****2749. APPEALS REGULATIONS;
RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.3 (Revision);

38 CFR 20.609 (Revision); 38 CFR

20.903 (Revision); 38 CFR 20.1000; 38

CFR 20.1001; 38 CFR 20.1002; 38 CFR

20.1100 (Revision); 38 CFR 19.10; 38

CFR 19.15 (Revision); 38 CFR 19.39; 38

CFR 20.3; 38 CFR 20.101 (Revision); 38

CFR 20.102 (Revision); 38 CFR 20.201

(Revision); 38 CFR 20.605 (Revision); ...

Department of Veterans Affairs (VA)

Completed Actions

2751. PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 51; 38 CFR 52; 38 CFR 58**Completed:**

Reason	Date	FR Cite
Final Action	01/07/02	67 FR 660
Final Action Effective	02/06/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State**Agency Contact:** L. Nan Stout
Phone: 202 273-8538
Email: nan.stout@mail.va.gov**RIN:** 2900-AJ74**2752. POLICY REGARDING PARTICIPATION IN NATIONAL PRACTITIONER DATA BANK****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 46**Completed:**

Reason	Date	FR Cite
Final Action	04/23/02	67 FR 19678
Final Action Effective	04/23/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Kathryn W. Enchelmayer
Phone: 202 273-8936**RIN:** 2900-AJ76**2753. COMPENSATED WORK THERAPY/TRANSITIONAL RESIDENCES PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17**Completed:**

Reason	Date	FR Cite
Final Action	01/31/02	67 FR 4667
Final Action Effective	01/31/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Christine Woods
Phone: 757 722-9961
Fax: 757 728-3143**RIN:** 2900-AK01**2754. COPAYMENTS FOR MEDICATIONS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 38 CFR 17**Completed:**

Reason	Date	FR Cite
Final Action	12/06/01	66 FR 63449
Final Action Effective	02/04/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard
Phone: 202 273-8198
Fax: 202 273-4897
Email: nancy.howard@hq.med.va.gov**RIN:** 2900-AK85**2755. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.40; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; 38 CFR 21.260; 38 CFR 21.6005; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6052; 38 CFR 21.6054; 38 CFR 21.6056; 38 CFR 21.6058; ...**Completed:**

Reason	Date	FR Cite
Merged With 2900-AL24 Proposed Rule	03/06/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Charles Albert Graffam
Phone: 202 273-7437
Fax: 202 275-5122
Email: vrecgraf@vba.va.gov**RIN:** 2900-AG00**2756. VETERANS EDUCATION: REPORTING AND RECORDKEEPING REQUIREMENTS AT FLIGHT SCHOOLS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4235; 38 CFR 21.4263**Completed:**

Reason	Date	FR Cite
Final Action	03/19/02	67 FR 12473
Final Action Effective	03/19/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** William G. Susling
Phone: 202 273-7187
Fax: 202 275-2636
Email: edubsusl@vba.va.gov**RIN:** 2900-AJ23**2757. LOAN GUARANTY: ADVERTISING AND SOLICITATION DISCLOSURE REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4227; 38 CFR 36.4365**Completed:**

Reason	Date	FR Cite
Final Action	03/01/02	67 FR 9402
Final Action Effective	03/01/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Finneran
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov**RIN:** 2900-AJ86**2758. POST-TRAUMATIC STRESS DISORDER CLAIMS BASED ON PERSONAL ASSAULT****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.304**Completed:**

Reason	Date	FR Cite
Final Action	03/07/02	67 FR 10330
Final Action Effective	03/07/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Bill Russo
Phone: 202 273-7211
Fax: 202 275-1728
Email: capbruss@vba.va.gov**RIN:** 2900-AK00**2759. DISEASES SPECIFIC TO RADIATION-EXPOSED VETERANS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 38 CFR 3.309(d)

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	01/25/02	67 FR 3612
Final Action Effective	03/26/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Bill Russo

Phone: 202 273-7211

Fax: 202 275-1728

Email: capbruss@vba.va.gov

RIN: 2900-AK64

2760. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.350; 38 CFR 4.116**Completed:**

Reason	Date	FR Cite
Final Action	02/14/02	67 FR 6872
Final Action Effective	03/18/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Caroll McBrine

Phone: 202 273-7211

RIN: 2900-AK66

2761. DUTY TO ASSIST**Priority:** Other Significant**CFR Citation:** 38 CFR 3.102; 38 CFR 3.156; 38 CFR 3.159; 38 CFR 3.326**Completed:**

Reason	Date	FR Cite
Final Action	08/29/01	66 FR 45620

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Janice Jacobs

Phone: 202 273-7211

RIN: 2900-AK69

2762. EXCLUSION FROM COUNTABLE INCOME OF EXPENSES PAID FOR VETERAN'S LAST ILLNESS SUBSEQUENT TO VETERAN'S DEATH BUT PRIOR TO DATE OF DEATH PENSION ENTITLEMENT**Priority:** Other Significant**CFR Citation:** 38 CFR 3.272(h)**Completed:**

Reason	Date	FR Cite
Final Rule	02/28/02	67 FR 9209
Final Rule Effective	02/28/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Beth McCoy

Phone: 317 226-5209

RIN: 2900-AK84

2763. CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION**Priority:** Other Significant**CFR Citation:** 38 CFR 3.311(b)**Completed:**

Reason	Date	FR Cite
Final Action	02/14/02	67 FR 6870
Final Action Effective	02/14/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Beth McCoy

Phone: 317 226-5209

RIN: 2900-AK87

2764. CERTIFICATION FOR ELIGIBILITY FOR ADAPTIVE EQUIPMENT FOR AUTOMOBILES OR OTHER CONVEYANCES**Priority:** Other Significant**CFR Citation:** 38 CFR 3.808**Completed:**

Reason	Date	FR Cite
Final Action	08/24/01	66 FR 44527
Final Action Effective	08/24/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Randy A. McKeivitt

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Fax: 202 273-1728

Email: caprmcke@vba.va.gov

RIN: 2900-AK96

2765. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7636**Completed:**

Reason	Date	FR Cite
Final Action	02/13/02	67 FR 6654
Final Action Effective	02/13/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** William G. Susling

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Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AK99

2766. INCREASE IN RATES PAYABLE UNDER THE DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3300; 38 CFR 21.3333**Completed:**

Reason	Date	FR Cite
Merged With 2900-AL17	02/06/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** William G. Susling

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AL00

2767. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7136 to 21.7137**Completed:**

Reason	Date	FR Cite
Merged With 2900-AL17	02/06/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** William G. Susling

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Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AL01

VA

Completed Actions

2768. NOTICE OF APPEAL IN SIMULTANEOUSLY CONTESTED CLAIMS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.192; 38 CFR 20.502**Completed:**

Reason	Date	FR Cite
Final Action	12/03/01	66 FR 60152
Final Action Effective	01/02/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller
Phone: 202 565-5978**RIN:** 2900-AJ73**2769. BOARD OF VETERANS' APPEALS: OBTAINING EVIDENCE AND CURING PROCEDURAL DEFECTS WITHOUT REMANDING****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.31; 38 CFR 20.903; 38 CFR 20.1304**Completed:**

Reason	Date	FR Cite
Final Action	01/23/02	67 FR 3099
Final Action Effective	03/25/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller
Phone: 202 565-5978**RIN:** 2900-AK91**2770. ● BOARD OF VETERANS' APPEALS RULES OF PRACTICE: CLAIM FOR DEATH BENEFIT BY SURVIVOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 1311; 38 USC 1318**CFR Citation:** 38 CFR 20.1106**Legal Deadline:** Final, Judicial, April 8, 2002, Court Ordered.**Abstract:** This document amends the Department of Veterans Affairs (VA) Rules of Practice at the Board of Veterans Appeals (Board) to clarify that the general rule that the Board is not bound by prior dispositions during the veteran's lifetime of issues involved in the survivor's claim does not include claims for "enhanced" Dependency and Indemnity Compensation (DIC). This amendment is necessary to eliminate confusion between the Board's current rule and another rule relating to DIC for survivors of certain veterans rated totally disabled at the time of death.**Timetable:**

Action	Date	FR Cite
NPRM	12/21/01	66 FR 65861
NPRM Comment Period End	01/22/02	
Final Action	04/05/02	67 FR 16309
Final Action Effective	05/06/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978**RIN:** 2900-AL11**2771. ● BOARD OF VETERANS' APPEALS—TITLE CHANGE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR ch 1**Legal Deadline:** None**Abstract:** The Board of Veterans' Appeals is amending 38 CFR chapter

1 to reflect a change in the title of a Board official with whom various documents are filed. Inasmuch as this change only deals with a nonsubstantive management matter, VA is dispensing with prior notice and comment and a delayed effective date.

Timetable:

Action	Date	FR Cite
Final Action	04/04/02	67 FR 16023
Final Action Effective	04/04/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978**RIN:** 2900-AL15**2772. DELEGATION OF AUTHORITY—DECISIONMAKING REGARDING DISCRIMINATION****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 2**Completed:**

Reason	Date	FR Cite
Final Action	01/24/02	67 FR 3433
Final Action Effective	01/24/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** James S. Jones
Phone: 202 501-2800
Email: james.s.jones@mail.va.gov**RIN:** 2900-AJ63

[FR Doc. 02-7664 Filed 05-10-02; 8:45 am]

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