

# Federal Register

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Monday  
May 13, 1996

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Part XVI

## Department of Veterans Affairs

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Semiannual Regulatory Agenda

**DEPARTMENT OF VETERANS AFFAIRS (VA)**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Ch. I**

**Agenda of Federal Regulations**

**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 1996. 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:** Christy Fick or Gloria Armstrong, (202) 565-7625.

**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 under development or review.

Dated: February 22, 1996.  
Thomas O. Gessel,  
*Director, Office of Regulations Management.*

**Proposed Rule Stage**

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3013	Payments for Outpatients and Ancillary Medical Services Provided by Non-VA Providers .....	2900-AH66
3014	Informed Consent for Patient Care .....	2900-AH72
3015	Contract Program for Veterans With Alcohol and Drug Dependence Disorders .....	2900-AH77
3016	Homeless Providers Grant and Per Diem Program, Clarification of Per Diem Eligibility .....	2900-AH89
3017	Schedule for Rating Disabilities—The Orthopedic System .....	2900-AE91
3018	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders .....	2900-AF23
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3020	Reduction of Debt Through the Performance of Work-Study Services .....	2900-AF29
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3022	Individual Unemployability .....	2900-AH21
3023	Loan Guaranty: Authority To Close VA-Guaranteed Loans on an Automatic Basis, Withdrawal of Automatic Processing Authority and Elimination of Late Reporting Waivers .....	2900-AH23
3024	Veterans Education: Course Measurement for Graduate Courses .....	2900-AH39
3025	Service Connection for Dental Conditions for Treatment Purposes .....	2900-AH41
3026	Evidence in File at Date of Death .....	2900-AH42
3027	Vision .....	2900-AH43
3028	Evidence Dependency and Age .....	2900-AH51
3029	Claims Based on Tobacco Use During Active Service .....	2900-AH58
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3031	Loan Guaranty: Electronic Payment of Funding Fee .....	2900-AH73
3032	Medical Evidence That a Disability Has Improved .....	2900-AH82
3033	Election of Education Benefits .....	2900-AH88
3034	Computation of Income .....	2900-AH94
3035	Department of Veterans Affairs Acquisition Regulation (VAAR): Part 801, Veterans Affairs Acquisition Regulation System .....	2900-AH28

**Final Rule Stage**

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3037	Adult Day Health Care Program; Community Residential Care Program; and Contract Program for Veterans With Alcohol and Drug Dependence Disorders .....	2900-AH61
3038	Schedule for Rating Disabilities—The Cardiovascular System .....	2900-AE40
3039	Schedule for Rating Disabilities—The Endocrine System .....	2900-AE41
3040	Educational Assistance for Members of the Selected Reserve .....	2900-AE43
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3042	Schedule for Rating Disabilities—The Respiratory System .....	2900-AE94

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## Final Rule Stage (Continued)

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3044	Schedule for Rating Disabilities—The Skin .....	2900-AF00
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3046	Schedule for Rating Disabilities—Diseases of the Ear and Other Sense Organs .....	2900-AF22
3047	Reservists' Education; Commencing Date of Award of Educational Assistance .....	2900-AF74
3048	Amendments to Training and Rehabilitation Programs .....	2900-AG00
3049	Veterans' Education; Implementation of the Veterans' Benefits Act of 1992 and the National Defense Authorization Act for 1993 .....	2900-AG22
3050	Veterans' Education; Veterans' Benefits Act of 1992 and the National Defense Authorization Act of 1993 in the Post-Vietnam Era Veterans' Educational Assistance Program .....	2900-AG23
3051	Fibromyalgia .....	2900-AH05
3052	Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill Active Duty, 1994-95 .....	2900-AH14
3053	Delegation of Authority To Provide Relief on Account of Administrative Error .....	2900-AH19
3054	Veterans Education: Implementation of the Veterans Benefits Improvement Act of 1994 .....	2900-AH31
3055	Compensation for Disability Resulting From Hospitalization, Treatment, Examination, or Vocational Rehabilitation Examinations .....	2900-AH44
3056	Examinations .....	2900-AH48
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3062	Reservists' Education: Technical Amendment to the Montgomery GI Bill—Selected Reserve Program .....	2900-AH59
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3065	Revision and Rescission of Obsolete and Duplicate Regulations Governing Post-Vietnam Era Veterans Educational Assistance .....	2900-AH64
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3069	Adjudication Regulations; Miscellaneous .....	2900-AH83
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3071	Travel Time; Removal of Obsolete Provisions From the CFR .....	2900-AH86
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3073	Loan Guaranty: Limitation on Discount Points Financed in Connection With Interest Rate Reduction Refinancing Loans .....	2900-AH90
3074	Reservist Education: Additional Educational Assistance for Reservists With Certain Skills for Specialties .....	2900-AH91
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3077	Criteria for Determining Need for Aid and Attendance .....	2900-AH96
3078	Department of Veterans Affairs Acquisition Regulation—Loan Guaranty and Vocational Rehabilitation and Counseling Programs .....	2900-AG65
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3082	State Cemetery Grants: Aid to States for Establishment, Expansion and Improvement of Veterans Cemeteries .....	2900-AH46
3083	Delegation of Authority To Order Paid Advertising for Use in Recruitment .....	2900-AH74
3084	Part-Time Career Employment Program .....	2900-AH75
3085	Delegation of Subpoena Authority and Description of Means of Service .....	2900-AH00
3086	Standards of Ethical Conduct and Related Responsibilities .....	2900-AH80
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## Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3090	Aid to States for Care of Veterans in State Homes and Grants to States for Construction or Acquisition of State Home Facilities .....	2900-AE87
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3092	Medical; Nonsubstantive Miscellaneous Changes .....	2900-AH95
3093	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA .....	2900-AE20
3094	Acceptance of Partial Payments; Indemnification of Default .....	2900-AE60
3095	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers .....	2900-AG20
3096	Appeals Regulations; Rules of Practice .....	2900-AE78
3097	Rules of Practice; Hearings .....	2900-AG07
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3099	Appeals Regulations: Rules of Practice; Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994 .....	2900-AH16
3100	Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities .....	2900-AB51
3101	Operation of Child Care Centers at VA Facilities .....	2900-AD48

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3102	Confidentiality of Certain Medical Records .....	2900-AE28
3103	Veterans' Education; Suspension and Discontinuance of Payments Under the Post-Vietnam Era Veterans' Educational Assistance Program .....	2900-AG04
3104	Reservists' Education; Suspension and Discontinuance of Payments Under the Montgomery GI Bill—Selected Reserve .....	2900-AG05
3105	Veterans' Training Under the Service Members Occupational Conversion and Training Act .....	2900-AG56
3106	Determination of Incompetency and Competency .....	2900-AH10
3107	Eligibility Reporting Requirements .....	2900-AH18
3108	Veterans Education: The Veterans Benefits Improvement Act of 1994 and Post-Vietnam Era Veterans Educational Assistance Program .....	2900-AH33
3109	Duty Period .....	2900-AH70
3110	Department of Veterans Affairs Acquisition Regulation (VAAR): Part 847, Transportation .....	2900-AH56
3111	Department of Veterans Affairs Acquisition Regulation (VAAR) Senior Procurement Executive and Procurement Executive .....	2900-AH62
3112	Burial and Headstone or Marker Eligibility .....	2900-AH11

DEPARTMENT OF VETERANS AFFAIRS (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

**3012. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 8501; 38 USC 8502; 38 USC 8503; 38 USC 8504; 38 USC 8506; 38 USC 8507; 38 USC 8508; 38 USC 8509; 38 USC 8510; 38 USC

8520; 38 USC 8521; 38 USC 8522; 38 USC 8523; 38 USC 8524; 38 USC 8525; ...

**CFR Citation:** 38 CFR 12.0 to 12.24

**Legal Deadline:** None

**Abstract:** Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a Department of Veterans Affairs (VA) facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or

survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by VA, will escheat to the U.S. Government. Some of these regulations have not been updated since 1948; therefore, editorial changes will be made, which will not affect policy.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None

VA

Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** Roscoe Butler,  
Headquarters Health Administration  
Service (161A), Department of Veterans  
Affairs, Veterans Health  
Administration, 810 Vermont Avenue  
NW., Washington, DC 20420  
Phone: 202 565-7436

**RIN:** 2900-AB61**3013. PAYMENTS FOR OUTPATIENTS AND ANCILLARY MEDICAL SERVICES PROVIDED BY NON-VA PROVIDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1703**CFR Citation:** 38 CFR 17.50f(h) (Revision); 38 CFR 17.50g(New)**Legal Deadline:** None

**Abstract:** This rule will amend part 17.50f(h) to change payment methodology for ancillary medical care service from usual and customary to Medicare's Fee Schedule for Physicians' Services. Part 17.50g will be added to fully describe the payment methodology for outpatient and ancillary medical care services provided by non-VA providers. Payments under this fee schedule would be based on national uniform relative value units, based on the resources used in furnishing a service and adjusted for local economic conditions. Use of this fee schedule will enable VA to overcome payment discrepancies between geographic localities and various specialties and will relate payments to the value of the procedure that is identified on a claim by a current procedural terminology code. VA payment would be consistent with payment for similar medical services provided by other Government agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Phyllis A. Franks,  
Program Specialist (161A1),  
Headquarters Health Administration  
Svc, Department of Veterans Affairs,  
Veterans Health Administration, 810  
Vermont Avenue NW., Washington, DC  
20420  
Phone: 202 565-7390  
Fax: 202 565-7761

**RIN:** 2900-AH66**3014. INFORMED CONSENT FOR PATIENT CARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 7331; 38 USC 7332; 38 USC 7333**CFR Citation:** 38 CFR 17.34**Legal Deadline:** None

**Abstract:** VA proposes to amend its regulations concerning informed consent for patient care. It is proposed to describe the requirements for obtaining and documenting informed consent. It is also proposed to describe the types of treatments or procedures for which the patient's signature on a VA authorized form would be required and to establish a list and priority of surrogates authorized to act on behalf of patients who lack decisionmaking capacity. Further, it is proposed to establish an internal decisionmaking process for patients who lack decisionmaking capacity and have no authorized surrogate. This action is intended to protect patient rights and to ensure that the patient (or the patient's surrogate or representative) receives sufficient information to make an informed health care decision.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Ruth-Ann Phelps,  
Ph.D., Health Systems Specialist (11B),  
Department of Veterans Affairs,  
Veteran Health Administration,  
Department of Veterans Administration,  
810 Vermont Ave. NW., Washington,  
DC 20420  
Phone: 202 565-7646

**RIN:** 2900-AH72**3015. • CONTRACT PROGRAM FOR VETERANS WITH ALCOHOL AND DRUG DEPENDENCE DISORDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5705**CFR Citation:** 38 CFR 17.53a**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs proposes to modify eligibility criteria for veterans participating in the Department's program of alcohol and drug dependence treatment and

rehabilitation in residential and nonresidential facilities by contract. Current regulations stipulate that prior to participation in contract care under this program veterans must be provided hospital care. It is proposed to change the regulations to stipulate that prior to participation in contract care, veterans must have been or must be receiving care (regardless of whether it was or is hospital care) by professional staff over whom the Secretary has jurisdiction regardless of whether it is direct supervision.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Boies, Ph.D.,  
Deputy Associate Director for Addictive  
Disorders, Department of Veterans  
Affairs, Veterans Health  
Administration, 810 Vermont Avenue  
NW., Washington, DC 20420  
Phone: 202 565-7314

**RIN:** 2900-AH77**3016. • HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM, CLARIFICATION OF PER DIEM ELIGIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-590**CFR Citation:** 38 CFR 17.700**Legal Deadline:** None

**Abstract:** We are proposing to amend the rules pursuant to the Homeless Providers Grant and Per Diem Program. These regulations were established pursuant to Homeless Veterans Comprehensive Services Act of 1992. The regulations set forth provisions to assist public or nonprofit private entities in establishing new programs to furnish supportive services and supportive housing for homeless veterans through grants. The regulations also provide for per diem payments, or in-kind assistance in lieu of per diem payments, to entities that are receiving grants or to entities eligible to receive a grant that established supportive services or a supportive housing program for homeless veterans after November 10, 1992. It is proposed to amend the regulations concerning per diem

VA

Proposed Rule Stage

assistance by: (1) clarifying the definition of eligible entity; (2) establishing a priority for funding eligible entities; and (3) clarifying the maximum amount payable for per diem assistance. These amendments and changes will enable VA to more closely review applications for per diem assistance thus providing better assurances of the quality of services offered to homeless veterans by public or nonprofit entities. Additionally, the rate of payments will be clarified to reflect legislative intent. This regulatory action is important because it allows VA to determine which programs will best serve the homeless veteran.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Roger Casey, Program Manager, VA Homeless Providers Grant and Per Diem Prgm, Mental Health and Behavioral Science, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 565-7311  
Fax: 202 565-5486

**RIN:** 2900-AH89

### VETERANS BENEFITS ADMINISTRATION

#### 3017. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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	02/26/91	
Period End		
NPRM	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBryne, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AE91

#### 3018. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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	07/01/91	
Period End		
NPRM	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBryne, MD, Consultant, Regulations Staff (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AF23

#### 3019. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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	07/01/91	
Period End		
NPRM	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBryne, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AF24

#### 3020. REDUCTION OF DEBT THROUGH THE PERFORMANCE OF WORK-STUDY SERVICES

**Priority:** Other Significant

**Legal Authority:** PL 102-16

**CFR Citation:** 38 CFR 1.929

**Legal Deadline:** None

**Abstract:** There is a section of PL 102-16 which is designed to eliminate some VA debts. The Secretary of Veterans Affairs is given the authority to enter into an agreement with an individual who has incurred an overpayment of VA educational or rehabilitation benefits. Pursuant to the agreement the individual may reduce the resulting debt through performance of work-study services. The law gives VA considerable latitude in administering this program. The regulation will state the way in which VA will implement this provision of law.

## VA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AF29

**3021. VETERANS' EDUCATION; SUSPENSION AND DISCONTINUANCE OF PAYMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3690

**CFR Citation:** 38 CFR 21.4133; 38 CFR 21.4134; 38 CFR 21.4135; 38 CFR 21.4146; 38 CFR 21.4152; 38 CFR 21.4202; 38 CFR 21.4207; 38 CFR 21.4208; 38 CFR 21.4210; 38 CFR 21.4211; 38 CFR 21.4212; 38 CFR 21.4213; 38 CFR 21.4214; 38 CFR 21.4215; 38 CFR 21.4216; ...

**Legal Deadline:** None

**Abstract:** Under certain conditions VA can suspend or discontinue payments of educational assistance to individuals even though the course in which they are enrolled is approved for VA training. Current regulations provide for a review of the circumstances at the local VA facility and another de novo review at VA Central Office. The proposal would gather in one place the procedures which VA follows in deciding whether to suspend or discontinue payments; would make a part of the Code of Federal Regulations the rules at the hearing which may be conducted in making this decision; and would eliminate the de novo Central Office review.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** June Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs,

Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AF85

**3022. INDIVIDUAL UNEMPLOYABILITY****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.16**Legal Deadline:** None

**Abstract:** This action will amend the Schedule for Rating Disabilities as it addressed the issue of individual unemployability, in order to establish a more objective standard for making unemployability determinations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Lorna Weston, Consultant (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH21

**3023. LOAN GUARANTY: AUTHORITY TO CLOSE VA-GUARANTEED LOANS ON AN AUTOMATIC BASIS, WITHDRAWAL OF AUTOMATIC PROCESSING AUTHORITY AND ELIMINATION OF LATE REPORTING WAIVERS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501; 38 USC 3702(d)(3); 38 USC 3702(e)

**CFR Citation:** 38 CFR 36.4348; 38 CFR 36.4349; 38 CFR 36.4303(a); 38 CFR 36.4303(d); 38 CFR 36.4335(a)

**Legal Deadline:** None

**Abstract:** VA is proposing to amend its loan guaranty regulations regarding criteria used to approve nonsupervised lenders to process VA-guaranteed loans on the automatic basis. The Department is considering changes in the following

requirements for lender participation in the automatic authority program: lender experience, working capital, lines of credit, and VA-approved underwriter eligibility and training. The Department is also considering changes in the regulation regarding annual recertification of lenders and standards for withdrawal of automatic authority. VA is also proposing to amend the requirements pertaining to lenders' reporting of VA-guaranteed loans to the Secretary within 60 days following full disbursement. The revised regulation will provide that if the lender does not report the loan within 60 days, the late report must be accompanied by a statement signed by a corporate officer of the lending institution, certifying that the loan is current and offering an explanation for the late reporting. This change will eliminate the current requirement for VA regional office to go through the formality of making a decision on whether or not to waive the requirement and instead either issue the guaranty or not, as appropriate under the circumstances.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Judith Caden, Assistant Director, Loan Policy, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7368

RIN: 2900-AH23

**3024. VETERANS EDUCATION: COURSE MEASUREMENT FOR GRADUATE COURSES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-484**CFR Citation:** 38 CFR 21.4273**Legal Deadline:** None

**Abstract:** By regulation students enrolled in VA-administered education programs receive benefits based on the assessment of their training time. This revised regulation will provide a new method of assessing training time when a graduate student is enrolled in at least one undergraduate course.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

VA

Proposed Rule Stage

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AH39

**3025. SERVICE CONNECTION FOR DENTAL CONDITIONS FOR TREATMENT PURPOSES****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.381**Legal Deadline:** None**Abstract:** This action will clarify the term "reasonable period of service" (Manio v. Brown).**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Lorna Weston, Consultant (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Ave. NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH41

**3026. EVIDENCE IN FILE AT DATE OF DEATH****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.1000**Legal Deadline:** None**Abstract:** This action will clarify the definition of "medical evidence on file at time of death" (Hayes v. Brown).**Timetable:**

Action	Date	FR Cite
NPRM	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Lorna Weston, Consultant (213A), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH42

**3027. VISION****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**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	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Caroll McBrine, M.D., Consultant (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Ave. NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH43

**3028. EVIDENCE DEPENDENCY AND AGE****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.204**Legal Deadline:** None**Abstract:** This action is taken to make regulatory the discretionary authority of Public Law 103-446 to accept the claimants' statements as part of certain relationships.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Steven Thornberry, Consultant, Regulations Staff (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH51

**3029. CLAIMS BASED ON TOBACCO USE DURING ACTIVE SERVICE****Priority:** Economically Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.304**Legal Deadline:** None**Abstract:** This proposed rule will establish criteria for determining service connection of disability/death due to the use of tobacco products during active service.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Caroll McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH58

**3030. ABANDONED CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.109; 38 CFR 3.155**Legal Deadline:** None**Abstract:** This action is taken to make clear the time after which VA considers a claim abandoned.

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**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Steven Thornberry, Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AH65**3031. LOAN GUARANTY: ELECTRONIC PAYMENT OF FUNDING FEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 36.4312**Legal Deadline:** None

**Abstract:** VA is proposing to require that all funding fee collections be made electronically through the Automated Clearing House (ACH) program. The ACH program provides VA-approved lenders the opportunity to pay the funding fee electronically instead of sending checks and the Loan Guaranty Funding Fee Transmittal by mail.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Juith Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7368

**RIN:** 2900-AH73**3032. • MEDICAL EVIDENCE THAT A DISABILITY HAS IMPROVED****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.344**Legal Deadline:** None

**Abstract:** To remove redundancies and unnecessary material, simplify the language, and clarify basic principles of the regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Steven Thornberry, Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AH82**3033. • ELECTION OF EDUCATION BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3562; 38 USC 3221; 38 USC 3033; 10 USC 16132**CFR Citation:** 38 CFR 21.3023; 38 CFR 21.5041; 38 CFR 21.7040; 38 CFR 21.7540**Legal Deadline:** None

**Abstract:** An individual may be eligible for educational assistance under more than one of the education programs VA administers. Often the individual must elect which benefit she or he wants. Current regulations state that these elections are final once the individual negotiates a check issued under the program he or she has chosen. These regulations must be revised to allow for a different method of determining when an election is final because VA will soon begin converting from paying educational assistance with paper checks to paying these benefits electronically.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

**RIN:** 2900-AH88**3034. • COMPUTATION OF INCOME****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.260**Legal Deadline:** None

**Abstract:** Proposes to amend VA adjudication regulations concerning income computations to remove obsolete instructions for determining income limitations in section 306 pension cases. Eliminates proportionate computation instructions for section 306 pension.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Consultant, Compensation and Pension Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7218

**RIN:** 2900-AH94**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3035. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION (VAAR): PART 801, VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 501**CFR Citation:** 48 CFR 801**Legal Deadline:** None

**Abstract:** This rule will revise the dollar thresholds specified in VAAR 801.602-70, legal/technical review requirements to be met prior to contract execution. Many of the dollar thresholds are unrealistically low, given

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the economy and the volume of contractual actions VA contracting officers execute. These dollar thresholds hinder the ability of VA contracting officers to execute many of the documents and award contracts in a timely manner. This rule is consistent with the Department's goal of enhancing its competitiveness in the health care industry and this Administration's commitment to streamline the bureaucracy.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Sherry Patton (95A), Senior Procurement Analyst, Department of Veterans Affairs, Ofc. of Acquisition & Materiel Management, 810 Vermont Avenue NW., Washington, DC 20420  
 Phone: 202 565-4424  
 Email: patton@mail.va.gov

**RIN:** 2900-AH28

DEPARTMENT OF VETERANS AFFAIRS (VA)

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VETERANS HEALTH ADMINISTRATION

**3036. HEALTH PROFESSIONALS' EDUCATIONAL ASSISTANCE PROGRAM**

**Priority:** Other

**Legal Authority:** PL 96-330; 38 USC 76; PL 101-366; PL 102-405

**CFR Citation:** 38 CFR 17.613; 38 CFR 17.614; 38 CFR 17.615; 38 CFR 17.616; 38 CFR 17.617; 38 CFR 17.618; 38 CFR 17.607(c)

**Legal Deadline:** None

**Abstract:** VA is amending its medical regulations by adding new sections to implement the provisions of Pub. L. 101-366. Section 205 of that law creates the "Stipend Program for Members of the Selected Reserve" codified at 38 U.S.C., chapter 76, subchapter V. Public Law 102-405, section 202, changes the minimum period of service obligation from 1 year to 2 years for all students receiving awards.

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/92	57 FR 33471
NPRM Comment Period End	09/28/92	
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Eliza M. Wolff, RN, Dr.P.H. , Acting Director, Graduate Medical Education, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420  
 Phone: 202 565-7106

**RIN:** 2900-AF87

**3037. ADULT DAY HEALTH CARE PROGRAM; COMMUNITY RESIDENTIAL CARE PROGRAM; AND CONTRACT PROGRAM FOR VETERANS WITH ALCOHOL AND DRUG DEPENDENCE DISORDERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501

**CFR Citation:** 38 CFR 17.51e(c)(2); 38 CFR 17.51j(a)(2); 38 CFR 17.53b(a)(1)(i); 38 CFR 17.53c(a)(1)(i)

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs proposes to update references to material incorporated by reference in regulations concerning the Adult Day Health Care Program, the Community Residential Care Program and the Contract Program for Veterans with Alcohol and Drug Dependence Disorders. These regulations incorporate by reference various editions of the National Fire Protection Association Life Safety Code (NFPA 101, Life Safety Code and NFPA 101A, Guide on Alternative Approaches to Life Safety). References will be made to the 1995 editions.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/95	60 FR 47133
NPRM Comment Period End	11/13/95	
Final Action	04/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Boies, Ph.D., Deputy Assoc. Director for Addictive Disorders, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 565-7314

**RIN:** 2900-AH61

VETERANS BENEFITS ADMINISTRATION

**3038. SCHEDULE FOR RATING DISABILITIES—THE CARDIOVASCULAR SYSTEM**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.100; 38 CFR 4.101; 38 CFR 4.102; 38 CFR 4.103; 38 CFR 4.104

**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs (VA) is conducting the first comprehensive review of its rating schedule since 1945. These revisions will update the rating schedule to ensure that it uses current medical terminology and unambiguous criteria, and that it reflects medical advances that have occurred since the last review.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6658
ANPRM Comment Period End	04/27/90	
NPRM	01/19/93	58 FR 4954
NPRM Comment Period End	03/22/93	
Final Action	06/00/96	

**Small Entities Affected:** None

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**Government Levels Affected:** None**Additional Information:** This umbrella RIN's: AE40, AF23, AE95, AE41, AF00, AF02, AE94, AE89, AF24, AH43, AF22**Agency Contact:** Carol McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AE40

**3039. SCHEDULE FOR RATING DISABILITIES—THE ENDOCRINE SYSTEM****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.119**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 endocrine system.**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6658
ANPRM Comment Period End	04/27/90	
NPRM	01/22/93	58 FR 5691
NPRM Comment Period End	03/23/93	
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Carol McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AE41

**3040. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE****Priority:** Other Significant**Legal Authority:** PL 101-189; PL 101-237; PL 102-16; PL 102-484; PL 102-568; PL 103-66; PL 103-160; PL 103-446**CFR Citation:** 38 CFR 21.7520; 38 CFR 21.7540; 38 CFR 21.7576; 38 CFR 21.7612; 38 CFR 21.7620; 38 CFR 21.7622; 38 CFR 21.7624; 38 CFR 21.7631; 38 CFR 21.7635; 38 CFR 21.7636; 38 CFR 21.7639; 38 CFR 21.7640; 38 CFR 21.7642; 38 CFR 21.7645; 38 CFR 21.7653; ...**Legal Deadline:** None**Abstract:** The Veterans Education and Employment Amendments of 1989, the National Defense Authorization Act for Fiscal Years 1990 and 1991, the Veterans Education and Employment Programs Amendments, the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, the Veterans' Benefits Act of 1992, the National Defense Authorization Act for Fiscal Year 1993, the National Defense Authorization Act for Fiscal Year 1994, the Omnibus Budget Reconciliation Act of 1993, and the Veterans' Benefits Improvement Act of 1994 all contain provisions that significantly changed the Montgomery GI Bill, Selected Reserve. These acts expanded this program by adding new types of permissible training such as apprenticeship and on-the-job training, cooperative training, and flight training. Furthermore, the eligibility provisions were significantly liberalized, and the rates of payment were increased. This final rule will restate statutory requirements and set forth VA's statutory interpretations.**Timetable:**

Action	Date	FR Cite
NPRM	09/02/94	59 FR 45644
NPRM Comment Period End	11/01/94	59 FR 45645
Final Action	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** RIN 2900-AE47 has been merged with this RIN.**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AE43

**3041. SCHEDULE FOR RATING DISABILITIES—THE MUSCULAR SYSTEM****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.73**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 muscular system.**Timetable:**

Action	Date	FR Cite
ANPRM	11/08/90	55 FR 46950
ANPRM Comment Period End	01/07/91	
NPRM	06/16/93	58 FR 33235
NPRM Comment Period End	07/16/93	
Final Action	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Carol McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AE89

**3042. SCHEDULE FOR RATING DISABILITIES—THE RESPIRATORY SYSTEM****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1155

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**CFR Citation:** 38 CFR 4.96; 38 CFR 4.97

**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 respiratory system.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/08/91	56 FR 667
ANPRM Comment Period End	03/11/91	
NPRM	01/19/93	58 FR 4962
NPRM Comment Period End	03/22/93	
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBrine, MD, Consultant, regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AE94

**3043. SCHEDULE FOR RATING DISABILITIES—SYSTEMIC CONDITIONS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.88; 38 CFR 4.88a

**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 systemic conditions.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/25/91	56 FR 2884
ANPRM Comment Period End	03/26/91	
NPRM	04/30/93	58 FR 26083
NPRM Comment Period End	06/29/93	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AE95

**3044. SCHEDULE FOR RATING DISABILITIES—THE SKIN**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Carol McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AF00

**3045. SCHEDULE FOR RATING DISABILITIES—MENTAL DISORDERS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.125; 38 CFR 4.126; 38 CFR 4.127; 38 CFR 4.128; 38 CFR 4.129; 38 CFR 4.130; 38 CFR 4.131; 38 CFR 4.132

**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 mental disorders.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20170
ANPRM Comment Period End	07/01/91	
NPRM	10/26/95	60 FR 54825
NPRM Comment Period End	12/26/95	
Final Action	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBrine, MD, Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7210

**RIN:** 2900-AF01

**3046. SCHEDULE FOR RATING DISABILITIES—DISEASES OF THE EAR AND OTHER SENSE ORGANS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.75; 38 CFR 4.76; 38 CFR 4.77; 38 CFR 4.78; 38 CFR 4.79; 38 CFR 4.80; 38 CFR 4.83; 38 CFR 4.84; 38 CFR 4.85; 38 CFR 4.86; 38 CFR 4.87

**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 impairments of the eye, ear, and other sense organs.

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**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20170
ANPRM Comment Period End	07/01/91	
NPRM	04/12/94	59 FR 17295
NPRM Comment Period End	06/13/94	
Final Action	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Caroll McBrine, M.D., Consultant, Regulations Staff (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AF22

**3047. RESERVISTS' EDUCATION; COMMENCING DATE OF AWARD OF EDUCATIONAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2136**CFR Citation:** 38 CFR 21.7631**Legal Deadline:** None

**Abstract:** In response to the final report of the Commission to Assess Veterans' Education Policy, VA stated it would make various changes in response to the Commission's recommendations. These regulatory changes will include amendments to adjust the beginning dates of awards of educational assistance. This proposed action will implement the commitments VA made in its response with respect to the Montgomery GI Bill, Selected Reserve.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/95	60 FR 21486
NPRM Comment Period End	07/03/95	
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AF74

**3048. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 102-568

**CFR Citation:** 38 CFR 21.40; 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; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; ...

**Legal Deadline:** None

**Abstract:** The Veterans' Benefits Act of 1992 extends the termination date for the program of vocational training for certain pensioners through December 31, 1995; makes permanent the programs protecting health care benefits for pensioners who lose their benefits due to income from work or training and the special counseling and employment services program for veterans with total disability ratings because of individual unemployability. In addition the law authorizes a 10 percent increase in subsistence allowance for participants in the vocational rehabilitation program, and extends eligibility for vocational rehabilitation to veterans with service-connected disability of 10 percent under certain conditions. The change also includes revisions to implement regulatory reform.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Charles Graffam, Veterans Claims Examiner (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Ave. NW., Washington, DC 20420

Phone: 202 273-7410

RIN: 2900-AG00

**3049. VETERANS' EDUCATION; IMPLEMENTATION OF THE VETERANS' BENEFITS ACT OF 1992 AND THE NATIONAL DEFENSE AUTHORIZATION ACT FOR 1993****Priority:** Other Significant**Legal Authority:** PL 102-484; PL 102-568

**CFR Citation:** 38 CFR 21.3145; 38 CFR 21.4131; 38 CFR 21.4135; 38 CFR 21.4233; 38 CFR 21.4234; 38 CFR 21.4252; 38 CFR 21.4253; 38 CFR 21.4254; 38 CFR 21.4265; 38 CFR 21.4267; 38 CFR 21.4270; 38 CFR 21.4271; 38 CFR 21.4272; 38 CFR 21.4273; 38 CFR 21.4280; ...

**Legal Deadline:** None

**Abstract:** The Veterans' Benefits Act of 1992 contains many provisions that affect the educational programs VA administers. Among these is a change in the rate of payment made to individuals who are pursuing independent study, a change in the eligibility rules for veterans and servicemembers receiving educational assistance under the Montgomery GI Bill, Active Duty. The National Defense Authorization Act for fiscal year 1993 also contains provisions which affect the Montgomery GI Bill, Active Duty. For example, certain individuals who have voluntarily separated from the military are given an opportunity to become eligible for the Montgomery GI Bill, Active Duty. These regulations will implement these Acts with respect to the Montgomery GI Bill, Active Duty and Dependents' Educational Assistance.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AG22

VA

Final Rule Stage

**3050. VETERANS' EDUCATION; VETERANS' BENEFITS ACT OF 1992 AND THE NATIONAL DEFENSE AUTHORIZATION ACT OF 1993 IN THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-484; PL 102-568

**CFR Citation:** 38 CFR 21.5023; 38 CFR 21.5058; 38 CFR 21.5145; 38 CFR 21.5232; 38 CFR 21.5250; 38 CFR 21.5270

**Legal Deadline:** None

**Abstract:** The Veterans' Benefits Act of 1992 contains some provisions which affect the educational programs VA administers. Among these are changes affecting measurement of courses and VA's work-study program. The National Defense Authorization Act for fiscal year 1993 permits certain voluntarily separated veterans who contributed to the Veterans' Educational Assistance Program (VEAP) fund to instead receive benefits under the Montgomery GI Bill, Active Duty. These regulations will implement these two laws with respect to VEAP.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (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-AG23

**3051. FIBROMYALGIA**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 1155

**CFR Citation:** 38 CFR 4.71(a)

**Legal Deadline:** None

**Abstract:** This action will add a diagnostic code and criteria for a rheumatologic condition characterized by pain and tender points.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Caroll McBride, Consultant, Regulations Staff (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 272-7210

**RIN:** 2900-AH05

**3052. VETERANS EDUCATION: INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL ACTIVE DUTY, 1994-95**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 3015

**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137

**Legal Deadline:** None

**Abstract:** By statute, veterans and servicemembers pursuing a program of education under the Montgomery GI Bill, Active Duty are entitled to receive an increase in the monthly rate of basic educational assistance, effective October 1 of each year. The increase to take effect on October 1, 1994, is one-half the increase in the consumer price index (U) from June 1993 to June 1994, or 1.25 percent. These amended regulations will implement the increase due October 1, 1994, for the Montgomery GI Bill, Active Duty.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

**RIN:** 2900-AH14

**3053. DELEGATION OF AUTHORITY TO PROVIDE RELIEF ON ACCOUNT OF ADMINISTRATIVE ERROR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 512(a)

**CFR Citation:** 38 CFR 2.7

**Legal Deadline:** None

**Abstract:** This action will make explicit the implied delegation of authority to deny equitable relief claims that was noted in OGC Prec. 11-94.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Consultant (213A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

**RIN:** 2900-AH19

**3054. VETERANS EDUCATION: IMPLEMENTATION OF THE VETERANS BENEFITS IMPROVEMENT ACT OF 1994**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-466; PL 103-337

**CFR Citation:** 38 CFR 21.3333; 38 CFR 21.4137; 38 CFR 21.4152; 38 CFR 21.4155; 38 CFR 21.4200; 38 CFR 21.4201; 38 CFR 21.4252; 38 CFR 21.4256; 38 CFR 21.4260; 38 CFR 21.4279; 38 CFR 21.7020; 38 CFR 21.7045; 38 CFR 21.7120; 38 CFR 21.4820; 38 CFR 21.4822

**Legal Deadline:** None

**Abstract:** The Veterans Benefits Improvement Act of 1994 and the National Defense Authorization Act for Fiscal Year 1995 contain provisions that affect the various education programs VA administers. This includes making flight training a permanent part of many of these programs and providing for approval of courses leading to alternate teacher certification. This proposal will acquaint the public with the way in which VA will implement these programs.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/96	

VA

Final Rule Stage

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

RIN: 2900-AH31

**3055. COMPENSATION FOR DISABILITY RESULTING FROM HOSPITALIZATION, TREATMENT, EXAMINATION, OR VOCATIONAL REHABILITATION****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.358**Legal Deadline:** None**Abstract:** This action is taken to reflect that the former rule regarding payment under 38 USC 1151 precluded payment under certain circumstances and remove these prohibitions.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/95	60 FR 14222
Final Action	05/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Paul Trowbridge, Consultant (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH44

**3056. EXAMINATIONS****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.326**Legal Deadline:** None**Abstract:** The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations as to when a VA medical examination will be authorized and when a compensation or pension claim may be raised without a VA examination. Recent legislation and regulatory changes have expanded the number of situations in which a claim may be based without a VA examination. The intended effect of the proposal is to rewrite the examination rule for clarity.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/11/95	60 FR 52863
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Paul Trowbridge, Consultant, Department of Veterans Affairs, Veterans Benefits Administration (213A), 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH48

**3057. SERVICEMEN'S AND VETERANS' GROUP LIFE INSURANCE****Priority:** Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 38 USC 501; 38 USC 1965 to 1977**CFR Citation:** 38 CFR 9.1 to 9.36**Legal Deadline:** None**Abstract:** Servicemen's and Veterans' Group Life Insurance regulations are being amended to eliminate those provisions that are simply restatements of statutes or are obsolete and unnecessary. Additionally, some regulations are being rewritten for clarity.**Timetable:**

Action	Date	FR Cite
Final Action	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 215 951-5718

RIN: 2900-AH50

**3058. UNITED STATES GOVERNMENT LIFE INSURANCE****Priority:** Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 38 USC 501; 38 USC 1940 to 1963; 38 USC 1981 to 1988**CFR Citation:** 38 CFR 6.2 to 6.211**Legal Deadline:** None**Abstract:** United States Government Life Insurance regulations are being amended by eliminating provisions that simply restate statutory law or are obsolete and unnecessary. Some provisions are being revised for clarity.**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 215 951-5718

RIN: 2900-AH52

**3059. SOLDIERS' AND SAILORS' CIVIL RELIEF****Priority:** Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 50 USC app 540 to 548**CFR Citation:** 38 CFR 7.2 to 7.33**Legal Deadline:** None**Abstract:** Regulations pertaining to this program are being amended by eliminating obsolete provisions that no longer apply and revising text so that it is more understandable.**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

VA

Final Rule Stage

**Agency Contact:** George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 215 951-5718

**RIN:** 2900-AH53

### 3060. VETERANS MORTGAGE LIFE INSURANCE

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 38 USC 501; 38 USC 2106

**CFR Citation:** 38 CFR 8a.1 to 8a.7

**Legal Deadline:** None

**Abstract:** Rules relating to Veterans Mortgage Life Insurance are being amended by eliminating regulations that are simply restatements of statutes, or are obsolete and unnecessary. Regulations are also being rewritten for clarity.

#### Timetable:

Action	Date	FR Cite
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 215 951-5718

**RIN:** 2900-AH54

### 3061. NATIONAL SERVICE LIFE INSURANCE

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 38 CFR 8.0 to 8.119

**Legal Deadline:** None

**Abstract:** Regulations relating to National Service Life Insurance are being amended by eliminating

provisions that simply restate statutory law or are obsolete and unnecessary. Additionally, some regulations are being rewritten for clarity.

#### Timetable:

Action	Date	FR Cite
Final Action	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 215 951-5718

**RIN:** 2900-AH55

### 3062. RESERVISTS' EDUCATION: TECHNICAL AMENDMENT TO THE MONTGOMERY GI BILL—SELECTED RESERVE PROGRAM

**Priority:** Other

**Legal Authority:** 10 USC 16131; 10 USC 16132; 10 USC 16133; 10 USC 16134; 10 USC 16135; 10 USC 16136; 10 USC 16137

**CFR Citation:** 38 CFR 21.4005; 38 CFR 21.4020; 38 CFR 21.4022; 38 CFR 21.4134; 38 CFR 21.4151; 38 CFR 21.4153; 38 CFR 21.4201; 38 CFR 21.4206; 38 CFR 21.4207; 38 CFR 21.4209; 38 CFR 21.4250; 38 CFR 21.4251; 38 CFR 21.4263; 38 CFR 21.5040; 38 CFR 21.5741; ...

**Legal Deadline:** None

**Abstract:** The National Defense Authorization Act for fiscal year 1993 reorganized a portion of title 10 U.S. Code by moving sections 2131 through 2137, placing them within chapter 1606, and redesignating them as sections 16131 through 16137. This final rule will conform the authority citations in 38 CFR to the new designations in the law.

#### Timetable:

Action	Date	FR Cite
Final Action	09/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-7187

Fax: 202 275-2636

**RIN:** 2900-AH59

### 3063. VETERANS AND DEPENDENTS EDUCATION: REVISION AND RESCISSION OF OBSOLETE AND DUPLICATE REGULATIONS

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 512(e); 38 USC 510; 38 USC 3680; 38 USC 3501; 38 USC 3681; 38 USC 3520; 38 USC 3536; 38 USC 3541; 38 USC 3561; 38 USC 3533; 38 USC 3684; 38 USC 5113; 38 USC 3532; 38 USC 3565; 38 USC 3687; ...

**CFR Citation:** 38 CFR 21.1020; 38 CFR 21.1021; 38 CFR 21.1022; 38 CFR 21.1025; 38 CFR 21.1040; 38 CFR 21.1041; 38 CFR 21.1042; 38 CFR 21.1043; 38 CFR 21.1044; 38 CFR 21.1045; 38 CFR 21.3021; 38 CFR 21.3025; 38 CFR 21.3032; 38 CFR 21.3042; 38 CFR 21.3044; ...

**Legal Deadline:** None

**Abstract:** VA has determined that some of the sections in 38 CFR part 21 are obsolete, duplicative, or unnecessary, and that other sections contain paragraphs or sections that are obsolete, duplicative, or unnecessary. Moreover, there are sections in part 21, subpart D that more properly belong in part 21, subpart C. This rule will revise and rescind these obsolete, duplicative, and unnecessary sections, paragraphs, and sentences and will restate paragraphs currently in part 21, subpart D so that they will appear in part 21, subpart C.

#### Timetable:

Action	Date	FR Cite
Final Action	09/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

**RIN:** 2900-AH60

VA

Final Rule Stage

**3064. LOAN GUARANTY FLOOD INSURANCE REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 40122; 42 USC 1364; 42 USC 1365; 42 USC 4128**CFR Citation:** 38 CFR 36.4222; 38 CFR 36.4326; 38 CFR 36.4402; 38 CFR 36.4500; 38 CFR 36.4512; 38 CFR 36.4600**Legal Deadline:** None

**Abstract:** The Department of Veterans Affairs is amending its loan guaranty regulations to comply with certain provisions of the National Flood Insurance Reform Act of 1994, title V of Public Law 103-325. These amendments strengthen requirements for procuring and maintaining flood insurance on properties which secure loans guaranteed or made by VA and which are located in areas identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards. The amendments also include new procedural requirements for VA to follow in making, servicing, or selling loans, which Public Law 103-325 requires all "Federal agency lenders" to incorporate into regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Judith Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7368

RIN: 2900-AH63

**3065. REVISION AND RESCISSION OF OBSOLETE AND DUPLICATE REGULATIONS GOVERNING POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 38 USC 3201; 38 USC 3241; 38 USC 3680; 38 USC 3492**CFR Citation:** 38 CFR 21.5020; 38 CFR 21.5064; 38 CFR 21.5074; 38 CFR 21.5135; 38 CFR 21.5141; 38 CFR

21.5200; 38 CFR 21.5292; 38 CFR 21.5300

**Legal Deadline:** None

**Abstract:** VA and the Department of Defense have determined that some of the sections in 38 CFR part 21, subpart G are obsolete, duplicative, or unnecessary. This final rule will revise and rescind these obsolete, duplicative, and unnecessary sections, paragraphs, and sentences.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AH64

**3066. VET ED: EFFECTIVE DATE FOR THE AWARD OF EDUCATIONAL ASSISTANCE****Priority:** Other**Legal Authority:** 38 USC 3018B**CFR Citation:** 38 CFR 21.7131**Legal Deadline:** None

**Abstract:** The provisions of 38 U.S.C. allow a veteran who was voluntarily separated from active military, naval, or air service under either 10 U.S.C. 1174a or 1175 before October 23, 1992, to elect to receive educational assistance under the Montgomery GI Bill, Active Duty. He or she was given until October 23, 1993, to make the election. The provisions of 38 U.S.C. 3018B also require the veteran to submit \$1,200 to the Department of Veterans Affairs (VA) as a condition of receiving the educational assistance. The statute does not contain a deadline for paying the \$1,200. This document amends the VA's Vocational Rehabilitation and Education regulations to explain that an individual who made the election before October 23, 1993, must still submit the \$1,200 to VA as a condition of receiving educational assistance under the Montgomery GI Bill, Active Duty.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Programs Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AH76

**3067. • VETERANS EDUCATION: INCREASED ALLOWANCES FOR THE EDUCATIONAL ASSISTANCE TEST PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2143**CFR Citation:** 38 CFR 21.5820; 38 CFR 21.5822**Legal Deadline:** None

**Abstract:** By statute the rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program must be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the twelve-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 1995-96 academic year should be increased by 6 percent over the rates payable for the 1994-95 academic year. The regulations dealing with these rates will be amended accordingly.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AH78

**3068. • VETERANS EDUCATION: INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL ACTIVE DUTY, 1995 - 1996**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 38 USC 3015; 38 USC 3032

**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137

**Legal Deadline:** None

**Abstract:** By statute the monthly rates of basic educational assistance payable to veterans and servicemembers under the Montgomery GI Bill - Active Duty must be increased each fiscal year by the percentage that the Consumer Price Index - W for the previous June exceeds the Consumer Price Index - W for June of the year before. The June 1994 to June 1995 increase in the Consumer Price Index - W was 2.9 percent. The regulations governing rates of basic educational assistance payable under the Montgomery GI Bill - Active Duty will be revised to show a 2.9 percent increase in these rates.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187  
 Fax: 202 275-2636

**RIN:** 2900-AH79

**3069. • ADJUDICATION REGULATIONS; MISCELLANEOUS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 501(a)

**CFR Citation:** 38 CFR 3.23; 38 CFR 3.24; 38 CFR 3.25; 38 CFR 3.250; 38 CFR 3.252; 38 CFR 3.458; 38 CFR 3.460; 38 CFR 3.461; 38 CFR 3.702; 38 CFR 3.852; 38 CFR 3.901; 38 CFR 3.902; 38 CFR 3.1612

**Legal Deadline:** None

**Abstract:** To update various cross-references and authority citations and make other nonsubstantive changes in 38 CFR part 3 identified during a review of all VA regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

**RIN:** 2900-AH83

**3070. • LUMP SUM PAYMENT UNDER PUBLIC LAW 93-177**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 38 USC 501(a)

**CFR Citation:** 38 CFR 3.811

**Legal Deadline:** None

**Abstract:** To remove obsolete provisions for making lump sum payments based on an incident that occurred in Brownsville, TX, on August 13, 1906.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210  
**RIN:** 2900-AH85

**3071. • TRAVEL TIME; REMOVAL OF OBSOLETE PROVISIONS FROM THE CFR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501(a)

**CFR Citation:** 38 CFR 3.6

**Legal Deadline:** None

**Abstract:** To remove effective date provisions that were previously deleted from 38 CFR 3.6 but which were later inadvertently reinserted into the regulation.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

**RIN:** 2900-AH86

**3072. • REMOVAL OF REFERENCES TO "VICIOUS HABITS"**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501(a)

**CFR Citation:** 38 CFR 3.3; 38 CFR 3.314; 38 CFR 3.323

**Legal Deadline:** None

**Abstract:** To remove language that was inadvertently left in 38 CFR 3.3, 3.314, and 3.323 after a 1978 statutory change.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Consultant, Regulations Staff (213A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

**RIN:** 2900-AH87

**3073. • LOAN GUARANTY: LIMITATION ON DISCOUNT POINTS FINANCED IN CONNECTION WITH INTEREST RATE REDUCTION REFINANCING LOANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 3703; 38 USC 3710; 38 USC 3712

**CFR Citation:** 38 CFR 36.4223; 38 CFR 36.4306(a)

VA

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**Legal Deadline:** None

**Abstract:** This regulatory amendment would limit the number of points included in an interest rate reduction refinancing loans. Veterans would still be able to pay more than two points if they choose to do so, but the additional points could not be included in the loan.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Judith Caden, Assistant Director for Loan Policy, (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7368

RIN: 2900-AH90

**3074. • RESERVIST EDUCATION: ADDITIONAL EDUCATIONAL ASSISTANCE FOR RESERVISTS WITH CERTAIN SKILLS FOR SPECIALTIES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16131**CFR Citation:** 38 CFR 21.7636; 38 CFR 21.7639**Legal Deadline:** None

**Abstract:** The National Defense Authorization Act for Fiscal Year 1996 contains a provision that affects payment of benefits under the Montgomery GI Bill - Selected Reserve. Reservists with skills or specialties for which there is a critical shortage may receive an increase in their monthly rate of educational assistance. Regulations will have to be revised to implement this new provision of law.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** June Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AH91

**3075. • VETERANS EDUCATION: ADDITIONAL EDUCATIONAL ASSISTANCE WHILE SERVING IN THE SELECTED RESERVE**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16131**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137; 38 CFR 21.7139**Legal Deadline:** None

**Abstract:** The National Defense Authorization Act for Fiscal Year 1996 contains a provision that affects payment of benefits under the Montgomery GI Bill - Active Duty. Certain individuals may receive an increase in their monthly rate of educational assistance if they make a commitment to serve in the Selected Reserve for six years. Regulations will have to be revised to implement this new provision of law.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

RIN: 2900-AH92

**3076. • VETERANS BENEFITS ADMINISTRATION, FIDUCIARY ACTIVITIES**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 38 USC 5502(e); 38 USC 8520(a)**CFR Citation:** 38 CFR 13.110**Legal Deadline:** None

**Abstract:** Removes regulations that in essence restate provisions of 38 USC 5502(e) and 38 USC 8520(a) concerning escheat and post fund activities.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Douglas L. Bragg, Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-6616

RIN: 2900-AH93

**3077. • CRITERIA FOR DETERMINING NEED FOR AID AND ATTENDANCE**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.352**Legal Deadline:** None

**Abstract:** This regulation implements a General Counsel opinion holding that a claimant's need for aid and attendance does not have to be permanent to permit payment of the increased aid and attendance benefit.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge, Consultant, Compensation and Pension Service (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH96

**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT**

**3078. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—LOAN GUARANTY AND VOCATIONAL REHABILITATION AND COUNSELING PROGRAMS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 871**Legal Deadline:** None

**Abstract:** This change will increase the amount which property holders and

VA

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management brokers may spend for emergency repairs. Title changes and deletion of duplicative coverage are also being made.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/94	59 FR 6942
NPRM Comment Period End	04/15/94	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Wanza Lewis (95A), Senior Procurement Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 565-4424

Email: lewisw@mail.va.gov

**RIN:** 2900-AG65

### 3079. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SERVICE CONTRACTING AND CONTRACT CLAUSES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 837; 48 CFR 852

**Legal Deadline:** None

**Abstract:** This change will implement a class deviation from Federal Acquisition Regulation (FAR) section 37.401(c) and FAR Clause 52.237-7.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/93	58 FR 54548
NPRM Comment Period End	12/20/93	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Wanza Lewis (95A), Senior Procurement Analyst, Department of Veterans Affairs, 810

Vermont Avenue NW., Washington, DC 20420

Phone: 202 565-4424

Email: lewisw@mail.va.gov

**RIN:** 2900-AG67

### 3080. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION (VAAR): ADMINISTRATIVE CHANGES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 501

**CFR Citation:** 48 CFR 801; 48 CFR 814; 48 CFR 833; 48 CFR 836; 48 CFR 852

**Legal Deadline:** None

**Abstract:** This rule will correct and update office names and designations due to administrative changes within the Department. It will also correct monetary thresholds for scarce/specialized medical contracts, reviews which are listed in error, and small purchase thresholds, to be consistent with Federal Acquisition Regulation.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Donald Kaliher (95A), Senior Procurement Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 565-4424

Email: kaliher@mail.va.gov

**RIN:** 2900-AH27

### NATIONAL CEMETERY SYSTEM

#### 3081. HEADSTONE AND MARKER INSCRIPTION POLICY

**Priority:** Routine and Frequent

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 38 USC 501; 38 USC 2306

**CFR Citation:** 38 CFR 1.630; 38 CFR 1.632

**Legal Deadline:** None

**Abstract:** The proposed rule revises 38 CFR, section 1.630 to implement

Department of Veterans Affairs (VA) regulations on its inscription policy for use on Government-provided headstones or markers. The amendment formalizes and updates previous and current policies to reflect changes in VA's Simplified Inscription Policy based on inscription information authorized at Government (specific valor awards) or at private (additional inscription items) expense. The rule is published as proposed in the Federal Register to provide information to the public on expanded inscription policy for Government-furnished headstones and markers. A 60-day public comment period is provided. This action is subject to the requirements of the Administrative Procedures Act and E.O. 12866 as the rule is an interpretation of statute as approved by the then-Administrator now Secretary of Veterans Affairs in 1974. The proposed rule will not have a significant economic impact on a substantial number of small entities and only individual VA beneficiaries could be directly affected.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ken Greenberg, Program Analyst (402B1), NCS Communications Division, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 273-5179

Fax: 202 273-6695

**RIN:** 2900-AH45

#### 3082. STATE CEMETERY GRANTS: AID TO STATES FOR ESTABLISHMENT, EXPANSION AND IMPROVEMENT OF VETERANS CEMETERIES

**Priority:** Routine and Frequent

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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

**Legal Deadline:** None

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**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 is published as proposed in the 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 is 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 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
Final Action	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** State

**Agency Contact:** Ken Greenberg, Program Analyst (402B1), NCS Communications Division, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-5179  
Fax: 202 273-6695

**RIN:** 2900-AH46**OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY****3083. DELEGATION OF AUTHORITY TO ORDER PAID ADVERTISING FOR USE IN RECRUITMENT****Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 302(b)(2); 44 USC 3702**CFR Citation:** 38 CFR 2.4 (Revision)**Legal Deadline:** None

**Abstract:** This regulatory action amends the delegation of authority to order paid advertising for use in recruitment by updating organizational titles, providing clarity, and authorizing further delegations.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Gloria C. Oliver, Chief, Recruitment and Examining Division, Department of Veterans Affairs, Human Resources Management (054), 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 565-8231  
Fax: 202 565-8866  
Email: olivglo@s101vac02.vaco.va.gov.

**RIN:** 2900-AH74**3084. PART-TIME CAREER EMPLOYMENT PROGRAM****Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 3401; 5 USC 3402**CFR Citation:** 38 CFR 1.891 to 1.897**Legal Deadline:** None

**Abstract:** This revision removes the reporting requirements for a manual report by field stations under the Part-Time Career Employment Program and makes minor editorial revisions. The program will be reviewed through regular employment reports generated by the automated personnel system and personnel management reviews.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Ellen Kollar, Personnel Staffing Specialist, Title 5 Staffing Division, Department of Veterans Affairs, Human Resources Management (054C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420

Phone: 202 565-8848

Fax: 202 565-8866

**RIN:** 2900-AH75**OFFICE OF THE GENERAL COUNSEL****3085. DELEGATION OF SUBPOENA AUTHORITY AND DESCRIPTION OF MEANS OF SERVICE****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1711**CFR Citation:** 38 CFR 2.1**Legal Deadline:** None

**Abstract:** This action will clarify authority for the use of subpoena power and means of service.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/10/95	60 FR 40756
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Barry Tapp, Attorney (023A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-6334

**RIN:** 2900-AH00**3086. • STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 301; 38 USC 501; EO 12674**CFR Citation:** 38 CFR 0**Legal Deadline:** None

**Abstract:** This document amends the Department of Veterans Affairs (VA) regulations captioned "Standards of Ethical Conduct and Related Responsibilities." It removes VA regulations that in essence restate Governmentwide standards contained in 5 CFR part 735 and chapter XVI. It also amends the VA regulations to refer VA employees to the Governmentwide standards. The

VA

Final Rule Stage

intended effect of this final rule is to delete unnecessary and repetitive material in VA regulations and to refer VA employees to the Governmentwide standards.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** James E. Adams, Deputy Assistant General Counsel, (023), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 273-6354  
Fax: 202 273-6403

**RIN:** 2900-AH80

### 3087. • DELEGATION OF AUTHORITY TO REGIONAL COUNSELS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 38 USC 512

**CFR Citation:** 38 CFR 0; 38 CFR 1; 38 CFR 2; 38 CFR 3; 38 CFR 13; 38 CFR 14; 38 CFR 14.501; 38 CFR 14.518; 38 CFR 15; 38 CFR 36

**Legal Deadline:** None

**Abstract:** The Office of General Counsel has changed its field structure from 52 District Counsel offices to 23 Regional Counsel offices. Previously, each District Counsel office was headed by a District Counsel who was authorized to take various actions on behalf of the Department of Veterans Affairs (VA). The new Regional Counsel offices are each headed by a Regional

Counsel. In accordance with the provisions of 38 USC 512, this document delegates to the Regional Counsels the same authority and responsibility to act for VA as was previously granted to District Counsels. This document also sets for the jurisdiction and address of each Regional Counsel.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Howard Lem, Assistant General Counsel (026), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 565-4885

**RIN:** 2900-AH81

### 3088. • RULEMAKING PROCEDURES

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 38 USC 501(a)

**CFR Citation:** 38 CFR 1.12; 38 CFR 1.551

**Legal Deadline:** None

**Abstract:** This document amends the "General Provisions" in 38 CFR part 1 by removing sections 1.12 and 1.551. The regulatory history of section 1.12 indicates that, despite a statutory exemption, VA intended to self-impose

the notice-and-comment provisions of 5 USC 553 on VA rulemaking concerning public property, loans, grants, benefits, or contracts (see 37 FR 3552, FEB 17, 1972). Subsequent to the promulgation of section 1.12 statutory provisions were established that specifically applied the public notice-and-comment provisions of 5 USC 553 to VA rulemaking concerning "loans, grants, or benefits" (see 38 USC 501(d)). These statutory provisions did not impose the same notice-and-comment provisions for rulemaking concerning public property or contracts. In our view, notice-and-comment requirements for rulemaking concerning public property and contracts should only be those imposed by statute. Also, there is no need to retain the provisions of section 1.551. In large part section 1.551 merely contained restatements of 5 USC 552. In addition section 1.551 contained internal instructions to agency components which were not required to be promulgated as rules.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas O. Gessel, Director, Office of Regulations Management (02D), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 565-7625  
Fax: 202 565-7873

**RIN:** 2900-AH84

## DEPARTMENT OF VETERANS AFFAIRS (VA)

## Long-Term Actions

### 3089. CHAMPVA REGULATIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 17.54 to 17.54f

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Susan K. Schmetzer  
Phone: 303 331-7552  
Fax: 303 331-7800

**RIN:** 2900-AE64

### 3090. AID TO STATES FOR CARE OF VETERANS IN STATE HOMES AND GRANTS TO STATES FOR CONSTRUCTION OR ACQUISITION OF STATE HOME FACILITIES

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**CFR Citation:** 38 CFR 17.165; 38 CFR 17.166; 38 CFR 17.167; 38 CFR 17.183

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** L. Nan Stout  
Phone: 202 565-7166  
Fax: 202 565-7006

**RIN:** 2900-AE87

## VA

## Long-Term Actions

**3091. TREATMENT OF RESEARCH—RELATED INJURIES TO HUMAN SUBJECTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 16**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Ted Lorei

Phone: 202 565-7181

Fax: 202 565-5159

**RIN:** 2900-AH68**VETERANS HEALTH ADMINISTRATION****3092. • MEDICAL; NONSUBSTANTIVE MISCELLANEOUS CHANGES****Priority:** Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 17**Legal Deadline:** None**Abstract:** The rulemaking is part of VA's reinventing government effort. It revises text in the CFR to eliminate redundancy, redesignate certain sections, and eliminates language that restates statutes.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Leroy Cossett, Acting Director, Headquarters Health, Administration Service, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420  
Phone: 202 565-8384**RIN:** 2900-AH95**3093. LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4320**Timetable:**

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31847

Action	Date	FR Cite
NPRM Comment Period Extended	10/05/90	55 FR 35325
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Leonard A. Levy

Phone: 202 273-7344

**RIN:** 2900-AE20**3094. ACCEPTANCE OF PARTIAL PAYMENTS; INDEMNIFICATION OF DEFAULT****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4202; 38 CFR 4275; 38 CFR 4301; 38 CFR 4315; 38 CFR 4323**Timetable:**

Action	Date	FR Cite
NPRM	03/02/94	59 FR 9944
NPRM Comment Period End	05/02/94	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Leonard A. Levy

Phone: 202 273-7344

**RIN:** 2900-AE60**3095. REVISED DEFINITION OF NET VALUE AND REVISED CRITERIA FOR PRE-FORECLOSURE DEBT WAIVERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4323**Timetable:**

Action	Date	FR Cite
NPRM	09/22/93	58 FR 49251
NPRM Comment Period End	10/22/93	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Len Levy

Phone: 202 273-7344

**RIN:** 2900-AG20**3096. APPEALS REGULATIONS; RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.3 (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); 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); ...

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment Period End	03/04/92	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

**RIN:** 2900-AE78**3097. RULES OF PRACTICE; HEARINGS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.3; 38 CFR 20.700; 38 CFR 20.702; 38 CFR 20.703; 38 CFR 20.704; 38 CFR 20.707; 38 CFR 20.710; 38 CFR 20.711; 38 CFR 20.713; 38 CFR 20.714; 38 CFR 20.716; 38 CFR 20.717; 38 CFR 20.1003; 38 CFR 2.1; 38 CFR 19.75**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

**RIN:** 2900-AG07**3098. RULES OF PRACTICE: MEDICAL OPINIONS; APPEAL PROCESSING AND SUBMISSION OF ADDITIONAL EVIDENCE****Priority:** Other Significant**CFR Citation:** 38 CFR 19.9; 38 CFR 19.36; 38 CFR 20.3; 38 CFR 20.800; 38 CFR 20.801; 38 CFR 20.802; 38 CFR 20.901; 38 CFR 20.903; 38 CFR 20.1304**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

**RIN:** 2900-AG90

VA

Long-Term Actions

**3099. APPEALS REGULATIONS: RULES OF PRACTICE; BOARD OF VETERANS' APPEALS ADMINISTRATIVE PROCEDURES IMPROVEMENT ACT OF 1994**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 38 CFR 19; 38 CFR 20

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven L. Keller  
 Phone: 202 565-5978

**RIN:** 2900-AH16

**3100. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 18

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** R. Lamont Johnson  
 Phone: 202 482-6715

**RIN:** 2900-AB51

**3101. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES**

**Priority:** Other

**CFR Citation:** 38 CFR 17

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment Period End	01/26/90	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Alan T. Maurer  
 Phone: 202 273-5846

**RIN:** 2900-AD48

DEPARTMENT OF VETERANS AFFAIRS (VA)

Completed Actions

**3102. CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 1.460-499

**Completed:**

Reason	Date	FR Cite
Final Action	12/13/95	60 FR 63926
Final Action Effective	01/12/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Celia Winter  
 Phone: 202 273-6274

**RIN:** 2900-AE28

**3104. RESERVISTS' EDUCATION; SUSPENSION AND DISCONTINUANCE OF PAYMENTS UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 21.7633; 38 CFR 21.7635; 38 CFR 21.7658

**Completed:**

Reason	Date	FR Cite
Withdrawn Merged with 2900-AF85	08/25/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer  
 Phone: 202 273-7187

**RIN:** 2900-AG05

**Completed:**

Reason	Date	FR Cite
Final Action	11/06/95	60 FR 55995
Final Action Effective	11/06/95	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer  
 Phone: 202 273-7187

**RIN:** 2900-AG56

**3103. VETERANS' EDUCATION; SUSPENSION AND DISCONTINUANCE OF PAYMENTS UNDER THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 38 CFR 21.5130; 38 CFR 21.5200

**Completed:**

Reason	Date	FR Cite
Withdrawn Merged with 2900-AF85	08/25/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** June C. Schaeffer  
 Phone: 202 273-7187

**RIN:** 2900-AG04

**3105. VETERANS' TRAINING UNDER THE SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT**

**Priority:** Other Significant

**CFR Citation:** 38 CFR 21.4800; 38 CFR 21.4802; 38 CFR 21.4810; 38 CFR 21.4812; 38 CFR 21.4820; 38 CFR 21.4822; 38 CFR 21.4823; 38 CFR 21.4824; 38 CFR 21.4830; 38 CFR 21.4832; 38 CFR 21.4834; 38 CFR 21.4840; 38 CFR 21.4842; 38 CFR 21.4844; 38 CFR 21.4850

**3106. DETERMINATION OF INCOMPETENCY AND COMPETENCY**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**CFR Citation:** 38 CFR 3.353

**Completed:**

Reason	Date	FR Cite
Final Action	11/03/95	60 FR 55791
Final Action Effective	11/03/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Trowbridge  
 Phone: 202 273-7210

**RIN:** 2900-AH10

## VA

## Completed Actions

**3107. ELIGIBILITY REPORTING REQUIREMENTS****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**CFR Citation:** 38 CFR 3.256; 38 CFR 3.277**Completed:**

Reason	Date	FR Cite
Final Action	10/04/95	60 FR 51921
Final Action Effective	10/04/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Paul Trowbridge  
Phone: 202 273-7210**RIN:** 2900-AH18**3108. VETERANS EDUCATION: THE VETERANS BENEFITS IMPROVEMENT ACT OF 1994 AND POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.5021; 38 CFR 21.5150; 38 CFR 21.5200; 38 CFR 21.5250**Completed:**

Reason	Date	FR Cite
Final Action	01/22/96	61 FR 1525
Final Action Effective	01/22/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** June C. Schaeffer  
Phone: 202 273-7187**RIN:** 2900-AH33**3109. DUTY PERIOD****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.6**Completed:**

Reason	Date	FR Cite
Final Action	11/14/95	60 FR 57178
Final Action Effective	10/03/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Paul Trowbridge  
Phone: 202 273-7210**RIN:** 2900-AH70**3110. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION (VAAR): PART 847, TRANSPORTATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 847; 41 CFR 101-41.304-2**Completed:**

Reason	Date	FR Cite
Withdrawn Dept of Transportation rewriting applicable regs.	11/21/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Ramona Jones (95A)  
Phone: 202 565-4424**RIN:** 2900-AH56**3111. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION (VAAR) SENIOR PROCUREMENT EXECUTIVE AND PROCUREMENT EXECUTIVE****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 802; 48 CFR 803; 48 CFR 806**Completed:**

Reason	Date	FR Cite
Final Action	01/22/96	61 FR 1526
Final Action Effective	01/22/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Wanza Lewis (95A)  
Phone: 202 565-4424**RIN:** 2900-AH62**3112. BURIAL AND HEADSTONE OR MARKER ELIGIBILITY****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**CFR Citation:** 38 CFR 1.620; 38 CFR 1.631**Completed:**

Reason	Date	FR Cite
Withdrawn	02/01/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Ken Greenberg  
Phone: 202 273-5179  
Fax: 202 273-6695**RIN:** 2900-AH11

[FR Doc. 96-5649 Filed 05-10-96; 8:45 am]

BILLING CODE 8320-01-F